

THE
CIVIL SERVICE REGULATIONS

RELATING TO

SALARY, LEAVE, PENSION AND
TRAVELLING ALLOWANCE

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I.G.



(FIFTH EDITION FOURTH REPRINT).

Corrected up to 31st December 1940.

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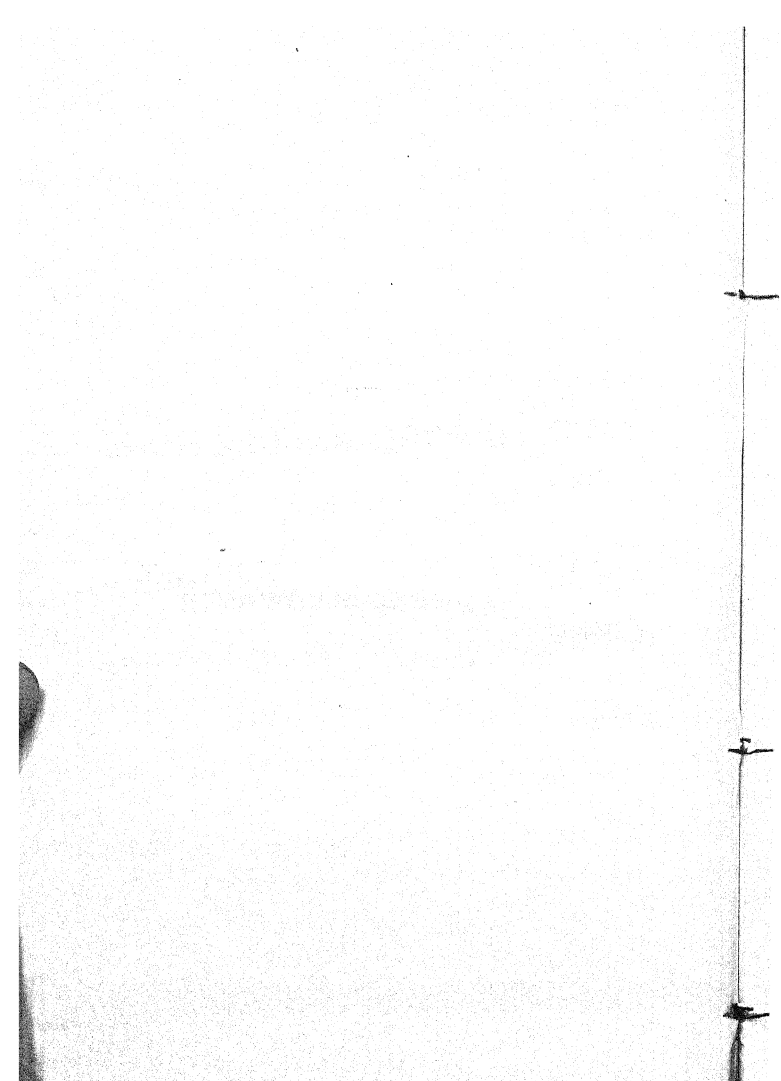
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**SALARY, LEAVE, PENSION AND
TRAVELLING ALLOWANCE**



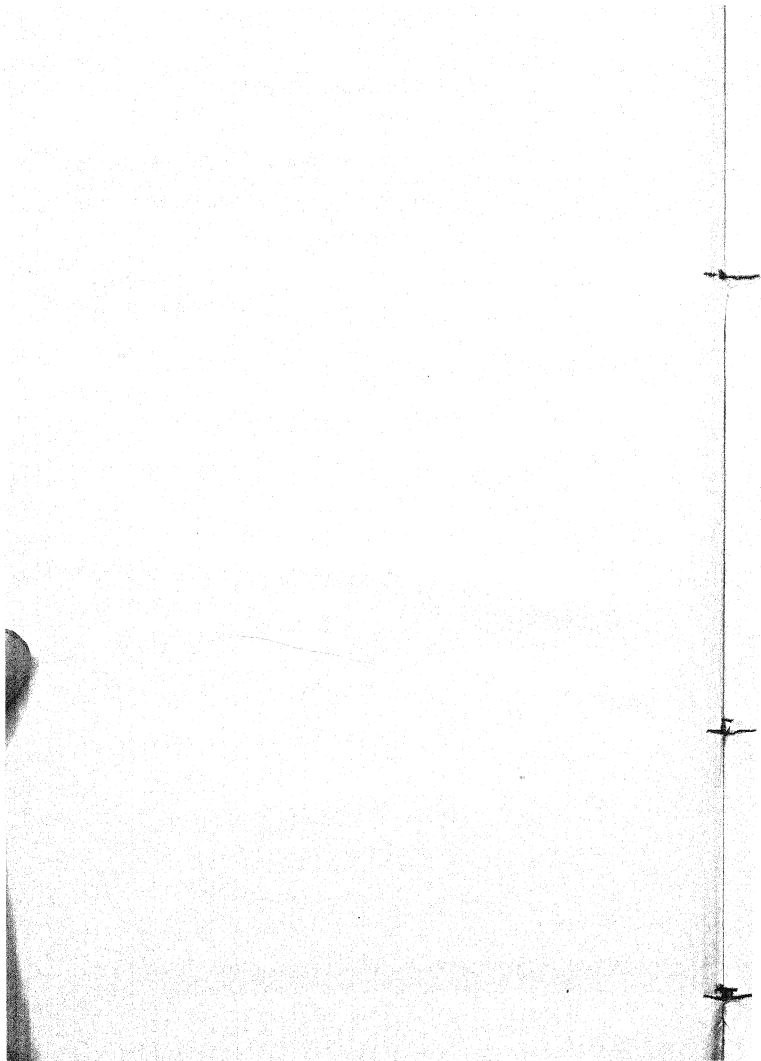
FINANCE DEPARTMENT.

Dated the 31st December 1940.

The Fourth Reprint of the Fifth Edition of the Civil Service Regulations now published has been necessitated by the demand for additional copies. It incorporates all corrections to date for which correction slips have actually been issued. It in no way supersedes the 1929 Reprint as corrected from time to time.

C. E. JONES,

Secretary to the Government of India.



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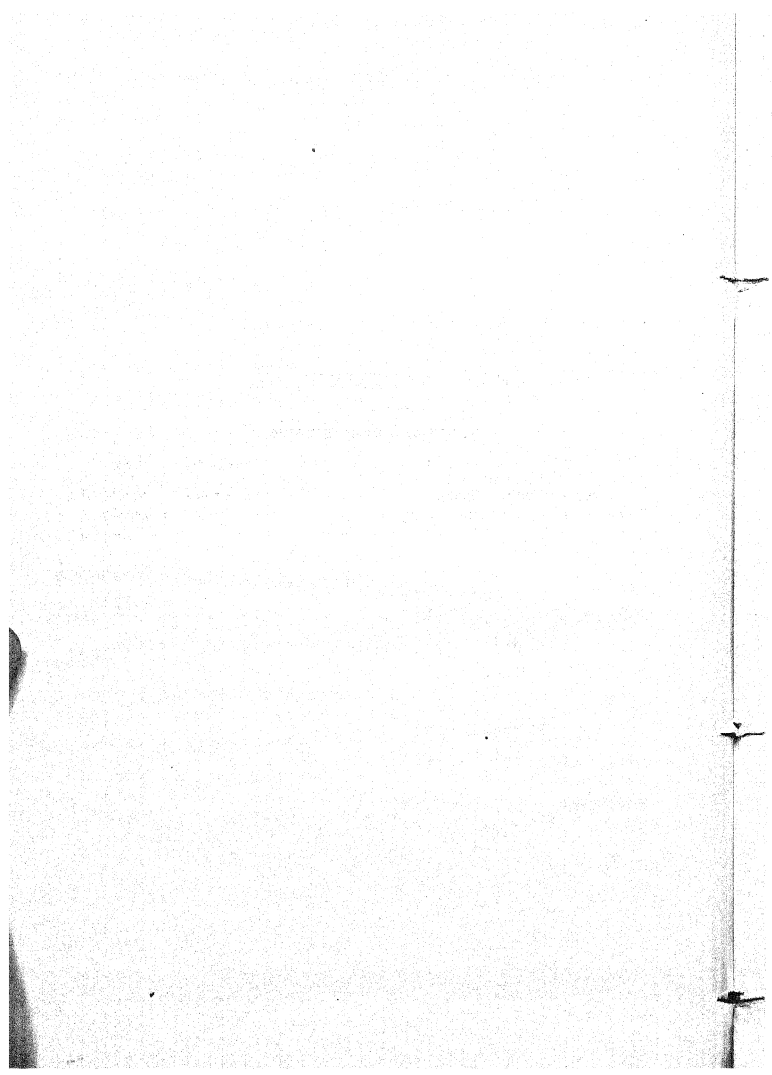
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CIVIL SERVICE REGULATIONS

RELATING TO

SALARY, LEAVE, PENSION AND TRAVELLING ALLOWANCE

PART I.—PRELIMINARY.

Chapter I.—General Scope.

Extent of Application.

1. (a) These Regulations are intended to define the conditions under which salaries, and leave and pension and other allowances, are earned by service in the Civil Departments, and in what manner they are calculated. They do not deal otherwise than indirectly and incidentally with matters relating to recruitment, promotion, official duties, discipline, or the like.

(b) Many orders applying to particular appointments or to particular individuals are not included in them; but with this exception the Regulations have been framed so as to embody all orders still in force affecting the acting allowances, the leave and leave allowances, the pensions, and the travelling allowances of officers, the conditions of whose service in respect to these matters are not defined by the Army and Marine Regulations. The omission from the Regulations of any order on those matters which is believed to be still in force should be brought to the notice of the Government of India through the proper channel. Until so confirmed, it should be considered as not in force.

(c) These Regulations do not apply to the pay and allowances (except travelling allowances), pension and leave of officers of the Royal Indian Marine holding shore appointments, which are governed by the Marine Regulations.

2. The rules which apply to the ordinary Civil establishments of the State apply also to officers employed under the Military and Marine Departments and under Local Governments whose service does not qualify under the Army or Marine Regulations. The rules in Part VII apply to all officers in the service of the British Government.

3. The Travelling Allowance Regulations in Part XI apply to Military officers in the Army Secretariat of the Government of India; Chaplains of the Church of Scotland, except when on service with a regiment in the field; and all officers in Civil employ, except those officers of the Royal Indian Marine to whom the Travelling Allowance Rules in the Marine Regulations (see Section III, Volume I, Part II) apply.

Except in cases in which it is otherwise provided in the Military Regulations, or in which it may be otherwise specially sanctioned by the Government of India, the travelling allowance of clerks in all Military offices is governed by the Regulations in Part XI.

Right of Changing or Interpreting Rules.

4. The Government of India reserve to themselves the right of changing the rules in these Regulations regarding pay and acting allowance and leave and pension, from time to time at their discretion, and of interpreting their meaning in case of dispute.

An officer's claim to pay and allowances is regulated by the rules in force at the time in respect of which the pay and allowances are earned; to leave by the rules in force at the time the leave is applied for and granted; and to pension by the rules in force at the time when the officer resigns or is discharged from the service of Government.

NOTE 1.—[In all contracts for service in India to which the Secretary of State is a party provision is made for the exercise of these rights by the Government of India.]

NOTE 2.—[Extracts from a despatch from the Secretary of State and a Resolution by the Government of India relating to the rights reserved by Government in this Article :—

Despatch from Secretary of State, No. 10, dated 7th October 1880.

"You remark that you are unable to admit any obligations on the part of the Government of India to compensate those officers for the indirect and remote effects of any administrative measures which it has been considered necessary to adopt in the interests of the State generally, and that it would be extremely inconvenient, if not wholly impracticable, in carrying out every change to consider every possible effect, however remote, which such change might have on the prospects of every officer in the service.

I concur in the sentiment expressed by your Government in this matter. All administrative reforms would be rendered impossible if the Government were fettered by considerations such as those above referred to."

Resolution No. 4863, dated 4th December 1891.

"The Government of India have always been careful to exercise the right of altering rules with due consideration for the rights of their servants. The ordinary course adopted to prevent hardship arising from any change of rule found necessary has been either to defer the introduction of the change for some time after its publication, or to give the officers affected the right of choosing whether they shall come under the operation of the old or of the new rules. It has been decided that the right of altering rules must be maintained, that care should be taken, as in the past, to prevent the introduction of any new rules from operating harshly, but that the Local Governments and the Government of India should not consider themselves precluded from recommending an exception in any case of individual hardship which may arise in spite of the precautions taken. If any case of apparent hardship arise, the local authorities should understand that, when the officer applies to retire, they are not precluded from examining into its merits and ascertaining whether, in their opinion, he has substantially suffered from the introduction of a rule not in force at the time he entered the service. If, after comparing the advantages secured to the officer by the altered rules with any disadvantages incidentally involved, they find that he has on the whole substantially suffered, the point may be taken into consideration in determining whether some compensation ought not to be granted in the particular instance."

*4-A. An officer transferred to a Service or post to which the pension rules in these Regulations apply, from a Service or post to which they do not apply, becomes subject to the pension rules in these Regulations, provided that it shall be open to him, within six months of the date of transfer or, if he is on leave on that date, within six months of his return from leave, to elect to be governed by the pension rules to which he was subject immediately before the date of transfer. The intention of exercising this option must be specifically declared to the local Government or the Governor-General in Council as the case may be. The option once exercised shall be final.

Chapter II.—Definitions.

5. Unless there be something repugnant in the subject or context, the terms defined in this Chapter are used in the Regulations in the sense here explained.

6. **Absentee** means an officer absent from an appointment on which he has a lien, either on leave or on deputation to another appointment, whether permanent or temporary, or on special duty unconnected with his own appointment, or on joining time, or under suspension.

7. **Accountant-General** includes "Auditor-General" and "Comptroller".

8. **Active Service** includes, besides time spent on duty in India,—

- (i) Privilege leave and Subsidiary leave.
- (ii) Examination leave under Articles 279 and 280, provided that not more than twelve months of such leave can be so reckoned; and that leave under clauses (a) to (c) of Article 280 is not reckoned as Active Service, unless the officer passes the examination for which the leave is granted. Leave under Article 281 also counts as Active Service, provided that the officer successfully passes the examination for which the leave is granted.
- (iii) Time spent on the voyage to India by an officer who is recalled to duty before the expiry of any recognised leave out of India, provided his return to duty is compulsory (see Article 199).
- (iv) For purposes of pension, the period of absence from India of an officer deputed or detained out of India on duty.

9. In the case of a member of the Indian Civil Service, Active Service includes also—

- (i) The interval between the date of an officer's first arrival in India and the date on which he joins his first appointment.

NOTE.—[If an officer does not join his first appointment within the joining time allowed him, the interval between the end of such joining time and the date on which he actually joins is not Active Service.]

- (ii) Time passed in India, out of employ on Subsistence Allowances but not on Furlough. [But see Exception in Article 187.]

NOTE.—[This clause applies to Military Officers subject to the Civil Leave Rules.]

- (iii) For purposes of pension, the period not exceeding ten months spent in Russia in studying the Russian language.

10. *Cancelled.*

11. In the case of Engineers appointed from the Royal Indian Engineering College at Coopers Hill, who passed out of the College from the years 1878 to 1889, both inclusive, Active Service includes also the whole period from date of appointment to the service to date of joining their appointment in India, provided they reached India on or before the 1st of December of the year in which they passed out of College.

12. In the case of officers of the Telegraph Department appointed from the Royal Indian Engineering College at Coopers Hill, from the years 1883 to 1891, both inclusive, Active Service includes also the whole period from date of appointment to the service to date of joining their appointments in India, provided they reached India within the period named in their letter of appointment; otherwise from date of arrival in India.

13. **Actual Travelling Expenses** when used in Part XI, means the actual cost of locomotion for an officer himself, his servants, and personal luggage, including charges for ferry and other tolls, and for carriage of camp equipment (when necessary); but not including charges for hotels, dāk bungalows, or refreshments, or for the carriage of stores or conveyances, or for presents to coachmen, nor any allowance for such incidental losses or expenses as the breakage of crockery, the wear and tear of furniture, the entertainment of additional servants and the like.

14. **Age.**—When an officer is required to retire, revert, or cease to be on leave, on attaining a specified age, the day on which he attains that age is reckoned as a non-working day, and the officer must retire, revert, or cease to be on leave (as the case may be) with effect from and including that day. This rule applies to all officers, Civil, Military or Naval.

15. Audit Officer means the Account and Audit Officer, whatever his official designation, in whose circle of audit a public servant is serving or (in respect to verification of service) has served, *i.e.*,—

For service in an ordinary Civil establishment including the Public Works Branch—the Accountant-General.

“ “ “ the Telegraph Engineering and the Indo-European Telegraph Departments—the Deputy Accountant General, Posts and Telegraphs (Telegraph Branch), Calcutta.

“ “ “ the Post and Signal offices, Bengal, Assam and Bihar and Orissa—the Deputy Accountant General, Posts and Telegraphs, Calcutta.

“ “ “ the Post and Signal offices, Punjab, the North-West Frontier Province and the United Provinces—the Deputy Accountant General, Posts and Telegraphs, Delhi.

“ “ “ the Post and Signal offices, Central Provinces and Berar, Bombay, Central India and Rajputana—the Deputy Accountant General, Posts and Telegraphs, Nagpur.

“ “ “ the Post and Signal offices, Madras and Burma—the Deputy Accountant General, Posts and Telegraphs, Madras.

“ “ “ the Military and Marine Departments—the Controller of Military Accounts.

“ “ “ the Military Works Services—the Examiner, Military Works Services.

“ “ “ under the Railway Department—the Chief Auditor of the State Railway concerned.

16. Average salary means the average of the salary which an officer has earned during so much of the three years preceding the day on which he gives up office as he has passed on duty or on privilege leave.

NOTE 1.—[In the calculation of “Average Salary”, Privilege leave on half salary in the case of officers entitled to regular vacations, granted under Articles 271 to 274, is treated as if it were on full salary.]

NOTE 2.—[If the period spent by an officer on special duty in England is allowed to count for leave, it is included in the calculation of Average Salary, on the assumption that the officer drew full salary. Otherwise it is excluded in calculating Average Salary.]

NOTE 3.—[When Privilege leave is combined with other leave under Article 232, the calculation is made up to the day preceding the commencement of the Privilege leave.]

NOTE 4.—[In calculating the furlough allowance of an officer of the Royal Engineers in civil employ, when the period spent in undergoing the Chatham course and the subsequent military training in India falls wholly or partly within the 3 years

on which average salary is based, the salary drawn by the officer immediately before proceeding on military training should, for a maximum period of 12 months, be taken into account instead of the salary actually drawn at military rates while under training.]

17. Barrister means a practising Barrister of England or Ireland and a practising member of the Faculty of Advocates of the Court of Session of Scotland. It does not include a person who, though a Barrister, has never practised the profession of Barrister.

18. Calendar Month.—The following examples show how a period stated in calendar months should be calculated :—

Examples.—A period of six calendar months beginning on the—		ends on the—
28th February.	.	27th August.
31st March or 1st April	.	30th September.
29th August	.	28th February.
30th August or 1st September	.	Last day of February
A period of three calendar months beginning on the—		
29th November	.	28th February.
30th November or 1st December	.	last day of February.

19. Camp Equipment or Equipage.—"Camp equipment" includes tents and the requisites for pitching and furnishing them, or where tents are not carried, such articles of camp furniture as it may be necessary in the interests of the public service for an officer to carry with him into camp. "Camp equipage" means the apparatus for moving a camp.

20. Chaplain, when used in Part XI, includes any Minister of religion whether in Government service or not, performing under proper authority the duties of a Chaplain.

21. Consolidated pay includes Military pay and allowances or Indian Army pay which cannot be separately drawn.

22. Continuous Service and Continuous Active Service mean the Service and Active Service of an officer since his last return from Furlough or Extraordinary leave lasting in either case more than three months; or, if he have not had such leave, since the beginning of his Active Service. No leave may be included in Continuous Service, except Privilege leave and Special leave; and in the case of a Royal Engineer who has elected for Continuous Service in India, Furlough on urgent private affairs under Rule XI of the Rules of 1868. [See Article 231.]

1. Examination leave under Articles 279 and 280 may also be included, unless the officer have already had twelve months' such leave, or, in the case of leave granted under clauses (a) to (c) of Article 280, unless the officer have failed to pass the examination for which the leave was granted. Leave admissible under Article 281 may also be included, unless the officer fails to pass the examination for which the leave is granted.

23. Day.—When used in Part XI, the term “Day” means a calendar day beginning and ending at midnight. But an absence from head-quarters which does not exceed 24 hours is reckoned as one day, at whatever hours the period begins and ends.

23-A. Deputation (duty) allowance is an allowance given, in addition to pay or salary, to an officer deputed on special temporary duty when such duty involves a decided increase of work or responsibility in comparison with the duties of his regular appointment. (See Articles 76-C, 77 and 81.)

23-B. Deputation (local) allowance is an allowance given, in addition to pay or salary, to an officer deputed on special temporary duty in consideration of a change of station involved by the deputation.

NOTE 1.—[When the deputation involves both increased work or responsibility and a change of station, the deputation allowance will be classed as deputation (duty) or deputation (local) allowance according as the former or the latter is the main consideration in fixing the allowance.]

NOTE 2.—[The extra emoluments drawn by an officer filling a temporary appointment which is not of like character to an existing appointment, will be classed as a deputation (duty) allowance or as a deputation (local) allowance, according as they are granted for increased work or responsibility, or for a change of station.]

23-G. Duty allowance is an allowance given to an officer, in addition to pay or salary, in consideration of ¹[the unhealthiness of the locality in which the work is performed or of] the specially arduous nature of his duties or of increased work or responsibility or for the discharge of duties which do not properly belong to his office and for which there is no sanctioned appointment.

24. Extraordinary leave means Special Furlough granted under Rule 8 of the Military Furlough Rules of 1875, and leave of absence from duty granted (see Article 306) otherwise than under the Leave Rules.

Example.—Leave in extension of the three years admissible under Article 304 (a).

25. Family.—When used in Part XI, “Family” includes the officer’s wife, his legitimate children and step-children residing with and wholly dependent on him; and also his parents, sisters, and minor brothers if wholly dependent on, and residing with, him.

26. First appointment includes the appointment of a person not at the time holding any appointment under Government, even though he may have previously held such an appointment.

†27. Foreign Service means service in which a Government servant receives his substantive pay with the sanction of Government (a) from any source other than the revenues of the Governor-General in Council or of a province or the Railway Fund (when established); or (b) from a company working a State Railway.

¹[] This amendment takes effect from the 10th March 1924.

† The amended article takes effect from the 31st March 1937.

28. General Revenues for the purposes of pension includes Provincial Revenues and the Revenues of Mysore, so far as regards service rendered in Mysore before the 1st October 1882, by Civil and Military officers who either had a status in the service of the British Government apart from their particular employment in Mysore, or having no such status were employed in Mysore when under British administration, and transferred to British service proper before that date.

NOTE.—[The service in Mysore of Civil and Military officers as above described became "Foreign Service" on the 1st October 1892.]

29. Grade and Class.—Appointments are said to be in the same "Class" when they are in the same Department, and bear the same designation, or have been declared by the Government of India to be in the same class. Appointments in the same class are sometimes divided into "Grades" according to pay.

NOTE.—[Appointments do not belong to the same Class or Grade unless they have been so constituted or recognised by proper authority. There are no Classes or Grades of Ministerial officers.]

29-A. Heads of Departments.—The term includes—

- (a) Officers who have been declared by the Government of India to be Heads of Departments. Officers who were declared by Local Governments to be Heads of Departments under the Resolution by the Government of India in the Finance Department, No. 5525-Ex., dated the 19th November 1909, will continue to exercise such powers as have already been delegated to them; but the extension to any such officer of the larger powers that can now be delegated to Heads of Departments requires the sanction of the Government of India, in which alone rests the power of adding to the list of Heads of Departments.
- (b) Any other authority to which the Government of India may delegate the powers of a Head of a Department.

29-B. Imperial Branch or Service.—The term applies—

- (1) to those services or branches of services, which are composed of gazetted officers recruited in England, *e.g.*, the Indian Civil Service, Military officers filling gazetted Civil appointments; and the "Imperial" as distinguished from the "Provincial" gazetted ranks of the Public Works Department, Forest, Indian Educational Service, Police, Agricultural, Civil Veterinary Departments.
- (2) to such appointments as are specially declared by the Government of India to be "Imperial" appointments.

30. Indian Civil Service means the service formerly known as the Covenanted Civil Service.

31. Lien on Appointment.—When an officer is said to have a lien on an appointment, it is meant that the right of such an officer to resume on return to duty a substantive or an acting appointment on which he has a lien is subject to the same condition of conformity with the interest of the public service as the tenure of the appointment is. An officer may have a lien on an appointment without having actually joined it.

32. Local Allowance is an allowance given to an officer in addition to pay or salary in consideration of exceptional local circumstances, such as the [*] expensiveness of the locality or duty.

House rent allowances, Presidency allowances, Sind allowances, Burma, Assam and Baluchistan allowances, are local allowances. Travelling allowances, conveyance allowances, horse allowances and tentage allowances are not local allowances.

33. Local Fund.—The expression “Local Fund” denotes :—

- (1) Revenue administered by bodies which by law or rule having force of law come under the control of Government whether in regard to the proceedings generally, or to specific matters such as the sanctioning of their budgets, sanction to the creation or filling up of particular appointments, the enactment of leave, pension or similar rules;
- (2) the revenues of any body which may be specially notified by the Government of India as such.

34. Local Government.—This term applies primarily to the Provincial Governments enumerated in Part I of Appendix 1 with which regular or quasi-provincial settlements have been concluded, and the Minor Local Governments enumerated in Part II whose position is analogous to that of Provincial Governments, but which are not embraced in the system of Provincial Settlements. But for the purpose of these Regulations, the term also includes, in so far as they exercise the powers of a Local Government, the Departments and officers who are shown in Part III of the Appendix referred to as exercising these powers in full or in part.

35. (a) Military Officers.—A Military Officer subject to the Civil Leave Rules means a Military Commissioned Officer in permanent Civil employ who is not subject to the British Army Leave Rules.

1. A Military Officer who entered the Indian Army or the Indian Medical Service after the 31st December 1875, or was subject, previous to his entering Civil employ, to the Indian Army Leave Rules (1886), becomes subject to the Civil Leave Rules from the date of first substantive appointment in the Civil Department, or from the date of completion of three years' continuous officiating service in the Civil Department,

[*] The words “unhealthiness or” deleted with effect from the 10th March 1924.

whichever may be earlier. For the purpose of reckoning the three years' officiating period, the following may be included :—

- (a) any period of employment of an officer in Foreign Service, if he has been transferred to such service direct from Civil employ;
- (b) any period of privilege leave.

Furlough or leave other than privilege leave does not count towards the three years' period, but it does not operate as a break cancelling past officiating service for the purposes of this rule, unless the officer has to revert to Military employ in order to obtain such furlough or leave.

2. A continuous service Royal Engineer Officer becomes subject to the Civil Leave Rules from the date of entry into permanent Civil employ if it is subsequent to the date of his election for continuous Indian Service, or from the date of such election if it is subsequent to the entry into permanent Civil employ. A non-continuous service Royal Engineer Officer becomes subject to the Civil Leave Rules, if he elects these rules, from the date of entry into permanent Civil employ if it is subsequent to the date on which he completes five years' Indian Service, or from the date of completion of five years' Indian Service if it is subsequent to the entry into permanent Civil employ.
- 3.* An officer of the Cantonments Department becomes subject to the Civil Leave Rules from the date of his substantive appointment to the Department.
4. A Military Officer in the Army Secretariat of the Government of India, and a Military Officer appointed from Military employment to be Private Secretary to a Lieutenant-Governor, are not in Civil employ.
5. A Military Officer does not come under the Civil Leave Rules by reason of his being transferred to an appointment in the Civil Department of which the tenure is limited to a definite period. Such officers remain subject to the Military Leave Rules, except as regards privilege leave (see Article 241).
6. When a Military Officer subject to the Civil Rules is temporarily deputed to the Military Department, but retains a lien on his appointment in the Civil Department, the period of his deputation qualifies for leave under the Civil Rules.
7. An Officer of the Indian Medical Service who is subject to the Civil Leave Rules becomes subject to the Military Leave Rules on promotion to the rank of Colonel or Surgeon-General.

(b) A 'Military Officer subject to the Military Leave Rules' means a Military Commissioned Officer in permanent Civil employ who is subject to the British Army Leave Rules, a Departmental Commissioned Officer, a Commissioned Officer of the Indian Subordinate Medical Department, or a Warrant Officer. Such an officer is not included in the term "an Officer" used in the Leave Rules.

NOTE.—The term 'Military Commissioned Officer', when used in these Regulations, does not include a Departmental Commissioned Officer, or a Commissioned Officer of the Indian Subordinate Medical Department, or a Warrant Officer.

(c) The term 'all Military Officers' means both Military Officers subject to the Civil Leave Rules, and Military Officers subject to the Military Leave Rules.

* The amended rule takes effect from the 16th September 1933.

36. Ministerial Officer means an officer, whether gazetted or not, whose duties are not of an administrative or executive character, but who is employed as a member of an office establishment.

Examples.—An Accountant, or a Clerk is a Ministerial officer. A Tahsildar, a Police Inspector or Constable, or a Teacher in a school is not a Ministerial officer.

37. Native of India means any person domiciled in India and born of parents habitually resident in India and not established there for temporary purposes only.

38. Pay and Salary—

(a) "Pay" means "monthly substantive pay". It includes also "overseas allowance" and "technical allowance".

(b). For the purposes of the Leave Rules in Chapter XIII, "Pay" includes also the Subsistence allowance of a member of the Indian Civil Service or a Military officer subject to the Civil Leave Rules who has an officiating but not a substantive appointment.

(c) "Salary" means the sum of pay and acting allowance, or charge allowance under Article 94 or Chapter VIII.

1. Personal allowance is treated, for the purposes of calculating leave allowances and pensions, as part of an officer's substantive pay, but not for purposes of travelling allowance, unless it has been granted to protect from loss an officer, the pay of whose appointment has been changed.

2. The allowances of an officer holding conjointly with another office a Professorship or Lecturership in any Government institution, are part of his salary.

3. "Salary" does not include a local allowance, deputation (local) allowance, house-rent, tentage, or travelling allowance, whether daily, monthly or yearly.

4. The charge allowances admissible to Inspectors and Charge Clerks, Indo-European Telegraph Department, are part of their salary.

5. The good-conduct allowance of policemen is treated as salary for the purpose of calculating leave allowances, but not pension.

6. Deputation (duty) allowances and duty allowances are treated as salary for the purpose of calculating leave allowances, and are included in the term "emoluments" for calculating pensions.

NOTE.—[These definitions do not necessarily apply to the Statutory Rules under Articles 543, 567, etc.]

39. The "Pay of an appointment" means the pay which any particular officer would receive monthly if he held the appointment substantively.

1. The allowances of an officer acting in an appointment the pay of which is subject to increase upon the passing of an examination or upon the completion of a certain period of service, are calculated upon the pay which he would from time to time receive if he held the appointment substantively.

2. The allowances of an officer acting in an appointment the pay of which has been reduced with effect from the next succession thereto, are calculated upon the reduced pay.

3. The Government of India and Provincial Governments may declare the pay of an appointment, for the purpose of the rules in Chapters V, VI and VIII, in cases where the pay of an appointment is undetermined, at any rate not exceeding—

- (a) The pay of the permanent incumbent, or
- (b) If the pay is incremental, his minimum pay, or
- (c) If the appointment is tenable by an officer belonging to any one of several grades or classes in a service, the pay of the lowest grade or class.

4. In the case of an appointment reserved for officers of a Graded service, the pay of which varies according to the grade of the incumbent for the time being, the pay of an office of the current duties of which an officer is appointed to be in charge under the provisions of Articles 165 and 166, and the pay of any additional appointments which an officer is appointed temporarily to hold or officiate in under the provisions of Article 162, is, for the purpose of calculating the incumbent's salary, the pay of the appointment left vacant in the lowest grade or class from which the office or additional appointment is usually filled.

40. (a) The **"Pay of an officer"** is—in the case of an officer with a substantive appointment—the amount which he would receive monthly under any of the following designations, in his substantive appointment :—

Military pay and allowances and Staff Salary.
 Indian Army pay and Staff Salary.
 Substantive pay.
 Consolidated pay.

(b) In the case of an officer without a substantive appointment,—is monthly Subsistence allowance (if a member of the Indian Civil Service, a Statutory Civil Servant, or a Military officer subject to the Civil Leave Rules) and his Military pay and allowances or Indian Army pay (if a Military officer subject to the Military Leave Rules).

41. **Pension.**—Except when the term "Pension" is used in contradistinction to Gratuity, "Pension" includes Gratuity.

42. **Port Officers.**—The Port Officers of Calcutta, Madras, Bombay, Rangoon, Karachi, Aden, Akyab, Moulmein and Chittagong, the First Assistant Port Officer, Rangoon, and the Assistant Port Officers at Madras and Bombay, are "Senior Port Officers". All other Port Officers are included in the term "Junior Port Officers".

43. **Progressive Appointment** means an appointment the pay of which is progressive, that is, pay which, subject to the good behaviour of an officer, rises, by periodical increments, from a minimum to a maximum.

NOTE.—[For brevity's sake, a Progressive pay is described by three groups of figures, namely, the minimum, the increment and the maximum, thus Rs. 100—20—200 means a pay rising from Rs. 100 by a yearly increment of Rs. 20 to Rs. 200.]

44. **Public Conveyance** means a train, steamer or other conveyance which plies regularly for the conveyance of passengers: the term includes such conveyances as the "express" tongas plying between Abu Road and Mount Abu, and palanquins plying in connection with the Pathankot-Dalhousie-Dhuli dāk.

44A. Cancelled.

44B. Remuneration includes, besides monthly substantive pay or salary, other payments to officers from general revenues (i.e., Imperial and Provincial revenues, as well as the revenues of local funds administered by Government), whether in the nature of fixed allowances, subject to the exceptions specified below, or of fees, rewards (except language rewards other than those which take the form of monthly allowances) or recurring honoraria. It does *not*, however, include the pension of an officer who is re-employed, local allowances granted on account of the unhealthiness or expensiveness of particular localities, exchange compensation allowances, travelling, tentage or conveyance allowance, house-rent allowance or grant of free quarters, allowances to civil surgeons for charge of railway employes, office allowances, Simla or other hill allowances, and non-recurring honoraria.

45. Rule of Proportions.—Pension or leave allowances are said to be chargeable according to the "Rule of Proportions", when the charge is debitable to several accounts in the proportions in which, in the case of pension, the aggregate pay drawn by the officer during the whole of his qualifying service has been paid from them; or in the case of leave allowances, the aggregate salary drawn by the officer during the portion of his service immediately preceding the beginning of his leave which is taken into account in calculating the leave granted to him was charged to such several accounts.

NOTE 1.—[Duty allowances and deputation (duty) allowances should be included in pay or salary, as the case may be, for the purpose of this rule.]

NOTE 2.—[In cases where leave allowances are regulated on pay instead of salary, the calculation under the above rule for leave allowances should be made on pay instead of salary.]

NOTE 3.—[If according to the Rule of proportions the share of pension or leave allowance chargeable to one account does not exceed one rupee, no charge shall be made to this account; and the share shall be borne by the account chargeable with the greatest share.]

46. Staff Salary is an allowance to a Military officer in addition to the Military Pay and Allowances or the Indian Army pay of his rank.

NOTE.—[The following allowances are not treated as Staff Salary:—Command allowance of hill convalescent depôts of British troops, of all stations and forts (Assirghur excepted) not being brigade commands; and the salaries of Staff Officers of stations and convalescent depôts and of Superintendent of Bazar.]

47. Cancelled [by the Governor General in Council].

48. Warrant Officer.—A Departmental officer with honorary rank or Warrant Officer includes all Departmental officers with honorary

rank and Warrant Officers of all Indian Army Departments to which-ever Military furlough rules they may be subject. These officers are :—

(a) Departmental officer with honorary rank—

- (i) Commissary.
- (ii) Deputy Commissary.
- (iii) Assistant Commissary.
- (iv) Senior Assistant Surgeon.

(b) Warrant Officer—

- (i) Conductor.
- (ii) Sub-Conductor.
- (iii) Assistant Surgeon of the 1st, 2nd, 3rd or 4th class.

PART II.—RULES REGARDING PAY AND ALLOWANCES

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PART 2.—RULES REGARDING PAY AND ALLOWANCES

Chapter III.—General Rules for regulating Allowances.

Conditions of Age and Health.

49. No person may be appointed to a Superior grade in the public service in India without a certificate in the following form (with suitable modifications when necessary) by a Commissioned Medical Officer, or by a Medical Officer in charge of a civil station, or (in the case of a candidate for employment in a State Railway) of a State Railway. This certificate must be annexed to the first bill submitted for the pay of the officer. A similar rule is enforced by the Secretary of State in the case of persons selected by him for service in India.

I do hereby certify that I have examined A B, a candidate for employment in the.....Department, and cannot discover that he has any disease, constitutional affection, or bodily infirmity, except.....
.....I do not consider this a disqualification for employment in the office of.....A B's age is according to his own statement, (x) years and, by appearance, about (y) years.

NOTE 1.—[This Article also applies to all officers appointed to permanent superior non-pensionable posts under Government.]

NOTE 2.—[When an officer, in whom a defect has been noticed by the Examining Officer is transferred from one office to another, the duties of which are different in character, a Commissioned Medical Officer, or a Medical Officer in charge of a civil station, or (in the case of an officer employed in a State Railway) of a State Railway, should report whether the defect will materially interfere with the discharge of his new duties by the officer transferred.]

50. The Local Government may, in any individual case, on public grounds, dispense with the production of the certificate required by Article 49 and may make any rules it considers necessary for prescribing the particular Medical Officer (or officers) whose certificate is required for appointments to any office or department. In the case of an officer who is appointed on pay not exceeding fifty rupees, the Local Government may accept a certificate in such form as it considers sufficient from any other officer who need not even be a medical man, and it may delegate its power in this matter to the officer having authority to make the appointment.

No medical certificate is necessary upon an officer being promoted from Inferior to Superior service, even though the officer while in Inferior service may have been paid from a Local Fund.

NOTE.—[In the case of female officers, the Local Government may either dispense with the medical examination by commissioned (or male) medical officers or authorise their examination by doctors of their own sex under suitable safeguards.]

51. A person whose age exceeds twenty-five years may not ordinarily be admitted into the service of the State in Superior pensionable service without the sanction of the Head of the Department or a Commissioner of a Division. The ordinary limit is extended to—

(a) thirty-five years in the case of—

(i) a person appointed to a judicial office in the Provincial service in Madras or the Punjab directly from the Bar :

(b) thirty years in the case of—

(i) a person appointed to a Judicial office ;

(ii) Civil Assistant Surgeons in Burma who held Burma medical scholarships at the Calcutta Medical College ;

(iii) Candidates for admission to the Subordinate Civil Service in Burma by competitive examination :

(c) twenty-eight years in the case of—

(i) Civil Assistant Surgeons in the Bengal Presidency, the United Provinces, the Punjab, Burma, Bihar and Orissa, the Central Provinces and Assam, who had taken a University degree, or had passed the Intermediate Examination in Arts or Science before commencing the study of Medicine ;

(ii) Civil Assistant Surgeons in the Bombay Presidency who had passed the previous Examination in Arts before taking the Medical Degree :

(iii) Civil Assistant Surgeons in the Madras Presidency who had passed the Intermediate Examination in Arts or Science before entering on the course of the Degree of Licentiate in Medicine and Surgery, and those who had gone through the course for the degree of Bachelor of Medicine before entering the service.

NOTE.—[This Article does not apply to the employment in civil capacities of reservists and pensioners of the Native Army.]

Date of reckoning Allowances.

52. (a) Unless it be otherwise provided by special rule or contract, the salary of an officer begins when he takes charge of the appointment in respect of which it is earned. If the charge is transferred after noon, the transfer does not affect allowances until the next day.

(b) If, however, the substantive appointment of an officer is changed while he is officiating in an appointment, or if, while so officiating, an officer is appointed, for the first time, to some substantive office, then, provided that his tenure of his officiating appointment is not interrupted by his new, substantive appointment, he may draw

the pay thereof without joining it from the date on which he is appointed thereto, or from any later date on which the substantive office becomes vacant.

(c) The Local Government may by general or special order allow a student, stipendiary or otherwise, who is entitled to be appointed to the service of Government on passing through a course of training at a university, college or school, to draw pay from any date following that on which the final qualifying examination passed by him ends, as if he assumed charge of his duties on that date. It may also grant such a student leave for a period not exceeding five weeks, or in the case of Burma six weeks, from the date from which he is allowed to draw pay and count service.

Charge of Office.

53. Unless for special recorded reasons (which must be of a public nature) the authority under whose orders the transfer takes place permits or requires it to be made in any particular case elsewhere, or otherwise, the charge of an office must be made over at its headquarters, both the relieving and the relieved officers being present.

1. A Provincial Government may delegate to a subordinate authority the power to relax, for special and recorded reasons of a public nature, the provisions of this Article in the case of any class of officers serving under the latter whose transfer has been ordered by competent authority not higher than that of the Provincial Government.

2. Sanction to the delivery of charge away from headquarters, but within the jurisdiction of the officer relieved, may be accorded by Minor Local Governments and by Heads of Imperial Departments in respect of all officers serving under them who are transferred under competent authority. In special cases where the Head of the Minor Local Government or Imperial Department desires, for particular reasons connected with the public service, to confer at his own headquarters with the relieving officer before the latter enters upon his local duties, he may permit the transfer to be made at his own headquarters.

3. The condition imposed by this rule that both the relieving and the relieved officers must be present is not enforced in the case of officers who are permitted to combine vacation with leave under Article 278. In such cases the following procedure has been laid down:—

- (a) When vacation is prefixed to leave the outgoing officer will report before leaving headquarters, or if for urgent reasons the leave is granted during vacation, as soon as it is granted, that he makes over charge with effect from the end of the vacation. The relieving officer will then take over charge at the end of the vacation in the ordinary way.
- (b) When vacation is affixed to leave the officer to be relieved will make over charge in the ordinary way before the vacation, the incoming officer on return at the end of the vacation taking over charge with effect from the beginning of the vacation.

NOTE.—[Charge of an office may not, without the previous sanction of the Government of India, be relinquished or resumed by officers visiting Aden on duty preparatory to retirement from the service or while proceeding on or returning from leave.]

54. As a general rule, and subject to any special orders to the contrary in particular cases, the headquarters of an officer on the staff of a Government, as, for instance, a Secretary to a Government, the Director-General, Indian Medical Service, or a clerk in a Government

Secretariat, are the headquarters, for the time being of the Government to which he is attached.

55. The headquarters of any other officer are either the station which has been declared to be his headquarters by the authority which appoints him, or, in the absence of such declaration, the station where the records of his office are kept.

NOTE.—[A Local Government may delegate to a subordinate authority the power to fix, or change, the headquarters of officers serving under the latter who are appointed by a higher authority.]

Leaving Jurisdiction.

56. No officer (other than a police officer acting within his legal powers or an excise officer acting under the orders of the Collector) is entitled to pay or allowances for any time he may spend beyond the limits of his charge without proper authority.

57. A Local Government may authorise any of its officers to proceed on duty to any part of British India, whether within or beyond its own jurisdiction, or to any Indian State or Foreign Settlement in India, provided either that the pay and allowances of the officer deputed are chargeable wholly or partially to Provincial Revenues or that the officer belongs to a Department or establishment, which, though paid from Imperial Revenues is under the administrative control of the Local Government.

NOTE.—[The Local Government may delegate its powers under this Article to Heads of Departments. Deputy Inspectors General of Police and Commissioners of Police in the Presidency towns and Rangoon are Heads of Departments for the purposes of this rule.]

1. An officer permitted under this Article to proceed to any place on duty may take with him such establishment and records as are absolutely necessary for the efficient discharge of his duties.

58. A Controlling officer (see Article 1159) may allow any officer subordinate to him to proceed on duty to any part of the territories of his Local Government or to a District or Foreign State or Settlement adjoining the jurisdiction of the Controlling Officer and to draw travelling allowance under rule.

59. An Accountant-General may, under the orders of a Local Government, pass pay and allowances (according to rule) to the head of an Administration for any period during which he may be absent from his jurisdiction and to any member of his personal or Secretariat staff.

Promotion during Leave.

60. An officer on Long Leave has no claim to substantive promotion. Such promotion may, however, be given, but, except in the case provided for in Note 1 under Article 585 (a), the promotion has effect only from the date on which the officer returns to duty.

If an officer, while absent on Short Leave during which the amount of his leave allowances depends upon the substantive or officiating

appointment which he would hold if present on duty, obtains promotion, substantive or officiating, or an increase of pay or acting allowance which involves no change in, or addition to, his duties or responsibilities, the promotion or increase has effect at once.

Personal, Local and Duty Allowances.

61. Unless in any case it is specially ordered otherwise by the authority sanctioning it, a personal allowance should be reduced by any amount by which the recipient's pay or salary may be increased, and should cease as soon as his pay or salary is increased by an amount equal to his personal allowance.

62. (a) (i) A duty allowance is drawn in full by the officer actually discharging the duties for which the allowance has been sanctioned.

(ii) In addition, a duty allowance may continue to be drawn by an officer absent from his office through deputation on special duty for a period not exceeding one month, but if the absence exceeds this period, he is not entitled to draw the allowance for any part of the absence.

NOTE.—[Any medical officer in medical charge of a civil station, who is required to proceed beyond the limits of his charge in order to appear as a witness in any judicial proceedings shall, in addition to the salary of his office, continue to draw the duty allowance attached thereto.]

(b) An officer in receipt of house-rent at a Presidency town may, during absence from the Presidency town, whether on other duty or on duty connected with his office, continue to draw his house-rent, provided the term of his absence does not exceed two months, exclusive of the months of departure and return. If the absence exceeds this term, the house-rent is not admissible for any part of the absence. A claim to house-rent under this Article must be supported by a certificate by the officer that his previous rate of expenditure for a house at the Presidency town continued during his absence.

NOTE 1.—[This rule applies also to officers in receipt of house-rent allowances at Shillong.]

NOTE 2.—[Members of the signalling establishment of the Telegraph Department at Rangoon who receive house-rent at that place are permitted, during periods of absence on deputation to Elephant Point for not more than two months, to draw their house-rent at Rangoon, on furnishing the certificate prescribed in the foregoing Article.]

NOTE 3.—[Members of the Persian Section, Indo-European Telegraph Department, who receive house-rent in Persia may draw their house-rent for periods of absence on deputation from their station not exceeding two months, on furnishing a certificate that they have actually paid full rent during their absence. and a member in receipt of house-rent may, when transferred to another station, draw the rent for one month from the date of making over charge of his duties, provided that he pays the rent and that the officer who succeeds him does not also draw house-rent for the same station in respect of the same period.]

(c) (i) Subject to the provisions of Article 268 (a) as regards house-rent allowances, an officer discharging the duties of an appointment is entitled to the local allowances attached to it.

(ii) So much of a local allowance as is not paid to a substitute may be drawn by an officer absent from his office through deputation on special duty for a period not exceeding one month, but if the absence exceeds this period he is not entitled to draw the allowance for any part of the absence.

NOTE 1.—[This rule applies also to an officer in receipt of presidency allowance at a Presidency town, who is absent therefrom on duty connected with his office. But Senior Accountants of the late Public Works Accounts Department and Public Works Divisional Accountants, when absent from the Presidency town on inspection duty, may draw presidency allowances, irrespective of whether the period of absence is under or over a month.]

NOTE 2.—[The rule in the Note under clause (a) of this Article regarding duty allowance applies in the case of local allowance also, without prejudice to the claim of the *locum tenens* to draw the allowance.]

Salaries of Natives of India.

63. The salary of a Native of India appointed to an office which has been usually filled by a member of the Indian Civil Service, or of the Indian Army or by nomination in England, or otherwise with specific approval of the Secretary of State, is, in the absence of special orders to the contrary, two-thirds of that assigned to the European.

NOTE 1.—In the case of appointments usually filled by members of the Indian Civil Service, the two-thirds is more accurately described as 64 per cent., thus—

	Rs.
Full salary	100
Deduct 4 per cent. for annuity—net salary	96
Two-thirds of net salary	64

NOTE 2.—[Any local or duty allowance attached to an appointment of the class referred to in this Article should also be reduced to two-thirds when the appointment is held by a Native of India.]

Advances and their Recovery.

64. (a) An advance may be made to any public officer in the Civil Department—

- (i) on arrival in India on first appointment, of an amount not exceeding two months' pay less the amount of any advance made in England;
- (ii) on return from long leave or special duty out of India, not exceeding two months' pay or Rs. 1,000, whichever is less, in addition to any advance made by the Secretary of State in England.

(b) The advance may be drawn under the orders of the Audit Officer from any treasury in India to be specified in such orders.

(c) Such advances, as well as similar advances issued by the Home Government, are to be recovered by monthly instalments of one-third of salary.

NOTE.—[Clause (c) does not apply in the case of a Military officer in Civil employ subject to the Military Leave Rules granted an advance under those rules: nor does it apply to Covenanted Engine-drivers, Mechanics, Boiler-makers, etc., recoveries from whom are regulated by Article 667.]

65. An officer returning from leave out of India may be granted an advance of his leave allowance for the unexpired portion of his leave subject to a maximum of 35 days from the date of embarkation for India.

66. An advance of pay made in England to enable an officer to return to duty in India, or to one appointed in England proceeding to India to join his appointment, is recovered at such rate of exchange as the Secretary of State in Council may by order prescribe.

Transfer on Duty.

67. (a) No officer (unless he has been newly appointed to the service of Government) can begin to draw any pay or allowances at any treasury in India, or at the Home treasury of the Government of India, without producing a last-pay certificate from the treasury where his pay or allowances were last disbursed, or from the Accountant-General within whose jurisdiction this treasury is, or in the case of a non-gazetted officer, from the head of the office under whom he was last employed.

(b) The rules regarding the issue of last-pay certificates in connection with "transfer on duty" are laid down in Appendix 3.

68. A salary or establishment bill on account of an officer, of whatever rank, required to accompany the headquarters of a Government to a hill station, or other station which has been declared to be the headquarters of Government for the time being signed or countersigned by a gazetted officer, is exempted from the operation of the preceding Article.

Pay of officers undergoing training or instruction.

68A. The Local Government may authorise an officer to undergo a course of instruction, or training; and may, at its discretion, decide what pay shall be allowed during the period of training up to the limit of the salary which the officer would have drawn but for his undergoing such training. In the case of a non-gazetted officer allowed under the provision of Article 57 to proceed outside the limits of the province in which he is serving, the Local Government may, at its discretion, grant in addition an allowance not exceeding one-fifth of his salary, when it considers that the expenses of the officer exceed those to which he might be put by a temporary transfer on duty within the

province in which he is employed. If the place of training has been recognised as particularly expensive by the grant of special compensatory allowances to officers stationed there, the Local Government, at its discretion, may in addition grant a non-gazetted officer an allowance similar to the compensatory allowance admissible in such place to an officer of his class. In the case of a student who is not in Government service, the Local Government may allow such pay, not exceeding Rs. 250 a month, as it considers suitable.

NOTE 1.—[The Local Government may delegate its powers under this Article to Heads of Departments.]

NOTE 2.—[A Local Government may issue general orders under this Article in regard to any specified class of officers.]

Subsistence Allowance.

68B. The rates of subsistence allowance of members of the Indian Civil Service, of Military Officers subject to the Civil Leave Rules, and of Military Officers subject to the Military Leave Rules are as follows :—

(a) Members of the Indian Civil Service and Military Officers subject to the Civil Leave Rules.—

	In sterling per mensem.	In rupees per mensem.
For an officer of not more than eight years' actual residence in India	33½	333½
For an officer of more than eight but less than twelve years' actual residence in India	42½	426½
For an officer of not less than twelve but not more than sixteen years' actual residence in India	53½	533½
For an officer of more than sixteen years' actual residence in India	66½	668

NOTE.—[The amount of subsistence allowance, however, shall in no case exceed the amount of leave allowance which the officer would draw if he were on leave on half average salary.]

(b) Military Officers subject to the Military Leave Rules.—

For an officer of the rank of Captain or subaltern	Rs. 250 per mensem.
For an officer of the rank of Major	„ 320 „
For an officer of higher rank than Major	„ 400 „

Chapter IV.—Additions to Salary and Deputations.

NOTE.—[The powers of the Government of India and of subordinate authorities in regard to the creation of permanent and temporary appointments, the placing of officers on deputation in India, and the sanctioning of additions to the remuneration of officers are stated in separate Resolutions of the Government of India as amended from time to time with the approval of the Secretary of State for India.]

69. The maximum Civil Salary, except of appointments of which the salary is fixed by Statute, is Rs. 50,000 a year. But sumptuary allowances, travelling allowances and the like may be granted in addition to this maximum.

70. Cancelled.

Additions to Salary.

71. (a) Unless in any particular case it be otherwise distinctly provided, the whole time of a public officer must be held to be paid for by the State, and he may be employed in any manner required by proper authority within his own branch of duty, without claim for additional remuneration, whether the services rendered are such as would ordinarily be paid for from General Revenues or a Local Fund or from the revenues of an Indian State.

(b) All Municipalities and Funds administered under a Local Government, inclusive of Port Trust Funds and Wards' Estates, are entitled to the gratuitous advice and services of officers of the Public Works Department, and of all Government Medical, Sanitary and Educational officers whenever these can, in the opinion of the Local Government, be given without detriment to the public service. It will rest with Local Government in each case to decide whether this last condition is fulfilled, and to indicate in each instance to what officer application for advice or assistance should be made. When a Municipality has its own Engineer or Manager, it will probably only desire to consult some superior officer of the Public works or other Department. In other cases more direct supervision and assistance may be considered desirable, and should be freely given without charge if the Local Government decide that such supervision and assistance can be given without detriment to the public service.

(c) This rule does not, however, affect such officers as Directors of a Railway Company, Members of a Town Council or a Port Trust, Government Director of the Darjeeling Railway, Chairman or Vice-Chairman of the Rangoon Port Trust, who are entitled under any special or local law to receive fees or other remuneration for attendance at meetings of Directors or Commissioners, etc., for the transaction of business.

72—74. Cancelled [with effect from 21st November 1935].

75-76. Cancelled.

Temporary Appointments.

76A. A temporary appointment is an appointment carrying a definite rate of pay sanctioned for a limited time.

76B. When a temporary appointment of like character to existing permanent appointment is filled by an officer in the service of Government, his salary will be determined as follows :—

- (a) If the existing appointments are divided into grades or classes, the temporary appointment will be treated as a temporary addition to the corresponding grade or class of the cadre; and the salaries of all officers concerned will be regulated according to promotions within the cadre under the rules in Chapter V.
- (b) If the appointments are not graded, the salary of the officer filling the temporary appointment will be equal to that which he would draw if he were acting in a permanent appointment on the same pay. The promotions made in such arrangements may in certain cases be substantive *pro tempore*, if the temporary appointment is for not less than six months, in accordance with the provisions of Article 90.

NOTE.—[A temporary addition to a clerical establishment for the performance of work falling within the ordinary duties of the establishment comes under clause (a) above.]

The Government of India may sanction the drawal by the holder of a temporary appointment of salary in excess of what is permissible under the above rules, subject to the maximum limit of the pay of the appointment.

The Local Government may sanction the drawal by the holder of a temporary appointment, the pay of which does not exceed Rs. 800 a month, of a salary in excess of what is permissible under the above rules, subject to the maximum limit of the pay of the appointment, and provided that no special orders of the Government of India are thereby infringed.

76C. When a temporary appointment not of like character to existing permanent appointments is filled by an officer in the service of Government his emoluments will, subject to the maximum limit of the pay of the appointment, be regulated as if he had been deputed on special duty under Article 81. The authority appointing him will declare whether any increase in emoluments drawn by him is to be treated as a deputation (duty) or deputation (local) allowance.

The Government of India may, subject to the maximum limit of the pay of the appointment, increase the amount of the deputation allowance to such an extent as is considered necessary.

If the pay of the appointment does not exceed Rs. 800, the Local Government may increase the amount of the deputation allowance to such an extent as is considered necessary, subject to the maximum

limit of the pay of the appointment and provided that no special orders are thereby infringed.

NOTE.—[In the case, however, of an officer not belonging to an Imperial Service (as defined in Article 29-B), a Provincial Government may in exceptional cases, where the cost is chargeable to Provincial or divided heads of expenditure exercise this power even if the pay exceeds Rs. 800.]

76D. The authority which appoints an officer to a temporary appointment may declare that the officer shall hold the appointment substantively for the purposes of the acting allowance rules. The effect of such a declaration will be that if the officer officiates in another appointment while continuing to retain a lien on the temporary appointment, his emoluments in respect of the temporary appointment will be regarded as his substantive pay for the purpose of calculating his salary.

Deputation in India.

77. An officer is said to be on deputation when he is detached on special temporary duty for the performance of which there is no permanently or temporarily sanctioned appointment.

77A-78. Cancelled.

78A. See Article **76B**.

79-80. Cancelled.

81. An officer deputed on special duty may be allowed to draw the pay or salary which he is drawing at the time of his deputation, or which he would have drawn from time to time if he had not been so deputed; provided that an officer who, while on deputation, is nominated to an appointment outside the regular line, shall not be admitted to the pay or salary of that appointment until he joins it. The officer may in addition be allowed to draw (1) if the special duty involves a decided increase of work or responsibility in comparison with the duties of his regular appointment, a deputation (duty) allowance, or (2) if the special duty involves a change of station, a deputation (local) allowance. If the special duty involves both increased work or responsibility and a change of station, the allowance will be classed as duty or local according as it is given mainly for increased work or responsibility or for a change of station. In either case it may not, except with the special sanction of the Government of India, exceed one-fifth of salary or Rs. 10 a day, whichever is less.

NOTE 1.—[Provincial Governments, however, may in exceptional cases, where the cost is chargeable to Provincial or divided heads of expenditure, grant to an officer not belonging to an Imperial service (as defined in Article 29-B), a deputation allowance in excess of this amount.]

NOTE 2.—[The following are instances of appointments considered to be outside the regular line for the purposes of this rule:—

Members of the Boards of Revenue and Financial Commissioners.

Judges of High Courts and Chief Courts and Judicial Commissioners.

Heads of Departments including Chief Conservators of Forests and Chief Engineers.

Secretariat appointments.

Agents to the Governor-General and Residents of the first class.]

NOTE 3.—[Rules governing the appointment and allowances of Settlement Officers and Assistant Settlement Officers are contained in Appendix 4-A.]

82. Deputation allowance does not include re-imbursement of cost of travelling, and an officer who draws deputation allowance is not thereby debarred from drawing any travelling allowance which would be admissible to him, if the duty on which he is deputed were treated as a new permanent appointment.

Private Secretary to a Lieutenant-Governor.

83. Only an officer already in the service of Government can be appointed to be a Private Secretary to a Lieutenant-Governor. The pay and staff pay of a Military officer appointed from Military employ are laid down in the Army Regulations. A Military officer in Civil employ, a member of the Indian Civil Service or other officer appointed to be a Private Secretary from Civil employ, is, while so employed, entitled to a duty allowance of Rs. 350 a month in addition to the salary to which he would, but for his appointment as Private Secretary, be entitled: Provided that (1) the officer's total emoluments (including the allowance of Rs. 350) shall in no case exceed Rs. 1,250 a month plus exchange compensation allowance; (2) no extra expenditure shall be caused to Government beyond the duty allowance of Rs. 350 per mensem and the grade place, substantive or officiating, held by the officer on the establishment to which he is attached shall not be filled up, and (3) no Military officer in Civil employ, or member of the Indian Civil Service, may be employed as Private Secretary whose substantive appointment in the regular line is above the grade of a Joint Magistrate or Assistant Commissioner.

Famine Duty.

84. The following allowances in addition to salary are granted to an officer deputed to Famine work in a Presidency or Province other than that in which he is serving, besides the usual travelling allowances both to and from the scene of his labours and while there:—

	Rs. a month	
(i) To a Sub-Engineer in the Public Works Department	75	} Besides the usual sub-divisional allowances permitted by the rules, and cost of one servant's journey to and from the famine districts.
To a Supervisor or an Overseer in the Public Works Department	60	
To a Sub-Overseer in the Public Works Department	25	

	Rs. a month	
(ii) To a Military officer transferred from Regimental or purely Military duty to Famine work whether in or out of his own Presidency or Province—		The travelling allowances of a Military officer are the same as those admissible to a member of the Indian Civil Service.
1. If the officers' service is more than five years	300	
2. If the officers' service is not more than five years	200	
(iii) To every other officer	Rs. 5 a day	Besides the cost of the journeys to and from the famine districts of his servants and (if tents and horses are carried) the carriage of his tents and horses.

Deputation outside India.

84-A. Cancelled.

*85. (1) The Governor-General in Council may sanction the deputation of a Government servant on duty out of India, elsewhere than in Europe or America, for not more than twelve months.

(2) Except in accordance with the provisions of clause (1) of this Article, no deputation of a Government servant out of India shall be sanctioned without previous reference to the Secretary of State unless the Secretary of State by general or special order otherwise directs.

*85A. (1) When a Government servant is with proper sanction temporarily deputed for duty out of India either in connection with the post held by him in India or in connection with any special duty on which he may temporarily be placed, his pay shall be regulated as follows :—

(A) If he is deputed for duty in Europe or his deputation elsewhere is declared by the Governor General in Council to be under *quasi* European conditions and if he is sent from India for the purpose of his deputation and does not include any leave within the period of his absence from India, he shall receive for the first month of his absence from India the pay which he would have drawn if he had remained on duty in India, for the second month of such absence, $11/12$ ths of such amount, for the third month of such absence, $5/6$ ths of such amount, for the fourth month of such absence, $3/4$ ths of such amount, for the fifth to tenth month of such absence, $2/3$ rds of such amount, and thereafter $3/4$ ths of such amount.

*Revised Articles 85 to 85-C, which have been substituted for Articles 85 and 85-A, take effect from 4th March 1938.

(B) If he is deputed for duty in Europe or his deputation elsewhere is declared by the Governor General in Council to be under *quasi-European* conditions, and if he is not sent from India for the purpose of his deputation, or having been so sent, includes a period of leave within the period of his absence from India, he shall receive throughout his deputation $\frac{3}{4}$ ths of the pay which he would have drawn if he had remained on duty in India.

(C) If he is deputed for duty elsewhere than in Europe and his deputation is not declared by the Governor General in Council to be under *quasi-European* conditions, his pay shall be determined by the Governor General in Council with due regard to the provisions of Articles 76B and 76C of these Regulations as though a temporary post had been created provided that—

(a) No Government servant on deputation out of India shall draw pay at a rate exceeding Rs. 5,500 per month;

(b) A Government servant having his domicile in India may in any case be allowed by the Governor General in Council to draw during the period of deputation out of India pay not exceeding the full amount of the pay which he would have drawn had he remained on duty in India, in lieu of the pay admissible to him under sub-clause (A) or sub-clause (B) of this clause.

(2) In addition to the pay admissible under clause (1) of this Article a Government servant on deputation may be granted a compensatory allowance of such amount as the Secretary of State may think fit in respect of deputation to Europe or America or as the Governor General in Council may think fit in respect of deputation elsewhere.

(3) The sterling equivalent of the pay admissible under clause (1) of this Article shall be calculated at such rate of exchange as the Secretary of State may by order prescribe.

***85B.** The rules in Articles 85 and 85A are applicable to Government servants whose conditions of service are laid down by the Secretary of State. In the case of Government servants whose conditions of service are laid down by the Governor General in Council no deputation out of India shall be sanctioned without the previous approval of the Governor General in Council. The pay and allowances of such Government servants during the period of deputation will be regulated by the provisions in Article 85A.

***85C.** When a Government servant is with proper sanction deputed for duty out of India to hold a regularly constituted permanent or *quasi-permanent* post, other than a post borne on the cadre of the service to which he belongs, his pay shall be regulated by the orders of the Secretary of State or the Governor General in Council as the case may be.

*See footnote against Articles 85 and 85-A on the preceding page.

Chapter V.—Acting Allowances—General Rules.

SECTION I.—DEFINITIONS AND LIMITATIONS.

86. "Acting Allowance" is the allowance given, in addition to substantive pay (if any), to an officer who is appointed to officiate in an appointment of which either there is no holder or of which the holder is an absentee.

1. A Local Government may, at its discretion, allow *acting* appointments to be made in place of officers ordered or permitted to undergo a course of training. It may delegate its power under this rule to Heads of Departments.

2. A Local Government may also issue general orders authorising acting appointments to be made in the place of any specified class of officers under training.

87. In certain cases, as defined in Articles 89 to 92, it is permissible to appoint an officer "provisionally" or "substantively *pro tempore*" instead of appointing him to officiate.

88. It is also permissible, instead of appointing an officer to officiate, to appoint him to be in charge of the current duties of the vacant appointment. In such cases a "charge allowance" is given as explained in Articles 94, 95, 165 to 169-A and 174-A.

Provisional Appointments.

89. If an officer is transferred to duty which is such that he retains no connection with his own appointment and which, there is reason to believe, will not terminate within three years, the Local Government may, if it thinks fit, suspend his lien upon his own appointment altogether, and fill up that appointment substantively, reserving only the right to reverse the arrangements thus made in case the absent officer at any time reverts to his original appointment.

NOTE.—[A Local Government may delegate its powers under this Article to Heads of Departments in respect of officers whom they can appoint.]

Substantive *pro tempore* Appointments.

90. An officer to whom the rules in Section I of Chapter VI do not apply may be appointed substantively *pro tempore* on full pay, without prejudice to the lien of the absentee, in place of an absentee who draws no part of the pay of the appointment or of an officer on deputation, provided that when the absence is due to a temporary appointment or the officer is on deputation, the temporary appointment or deputation lasts for six months or more.

The full pay of an officer thus appointed substantively for a time may, in like manner and upon the same condition, be given to a substitute similarly appointed. The status of an officer appointed substantively *pro tempore* under this Article is that of an Acting officer, and if he is appointed to officiate in a higher appointment, his salary

is reckoned upon his substantive pay proper and not upon the pay of the appointment he held substantively *pro tempore*.

NOTE 1.—[This rule is subject to the proviso that the salary of an officer who is substantive *pro tempore* in one appointment and who is appointed to officiate in a higher appointment shall not be less than that which he drew while holding the substantive *pro tempore* appointment. While appointed to officiate in a higher appointment or in a higher class the officer does not cease to hold the former appointment substantively *pro tempore* unless expressly reverted; and unless the officiating appointment is expected to last for at least three months, the authority appointing him may not revert him to his substantive appointment merely for the purpose of appointing another officer to the substantive *pro tempore* appointment.]

NOTE 2.—[Full pay is not to be drawn under Articles 89 and 90 as a matter of course, or unless the officer claiming it has been formally appointed "provisionally" or "substantively *pro tempore*" by competent authority.]

91. An officer appointed to act in another office is not an absentee within the meaning of Article 90 unless the full pay of that office is available and he is appointed to it substantively *pro tempore*.

92. An absentee who receives absentee allowances draws, within the meaning of Article 90, "part of the pay of his appointment;" and that Article is not to be construed as conflicting with Article 214.

93. Omitted.

Charge Allowances.

94. An officer appointed to be in charge of the current duties of an office independently, i.e., under orders which expressly relieve him of the charge of his own office, is entitled to a charge allowance of three-quarters of the acting allowance which would be admissible to him if he were appointed to officiate in the office. An officer cannot be thus appointed to be in charge of a "grade."

NOTE.—[The rules laid down in Articles 168 and 169 apply here also.]

95. The Local Government may, if it thinks fit, assign to the officer a charge allowance of less than the amount thus admissible, and, on the other hand, if it thinks this amount too small, may grant him for special recorded reasons, the full acting allowance. Charge allowance under this Article must never exceed what an officer would draw as acting allowance if appointed to officiate in the appointment.

NOTE.—[The rules laid down in Articles 168 and 169 apply here also.]

1. The Local Government may delegate its power under this Article to the Head of a Department or Commissioner of a Division.

SECTION II.—MAXIMUM AND MINIMUM SALARIES.

96. The minimum salary of an officiating officer is half the pay of the appointment, and, except in cases where the rules in Section I of Chapter VI apply, the maximum salary is the pay of the appointment.

97. Cancelled.

SECTION III.—PRIVILEGE LEAVE VACANCIES.

98. As a general rule, the duties of an officer absent on Privilege leave taken separately and not combined with other leave under Article 232 shall be discharged by another officer in the same station or district. Only in exceptional cases where there is absolutely no officer available on the spot, can the transfer of an officer from another station or district to act in consequence of the absence of an officer on Privilege leave be allowed. In the case of appointments held by members of the Indian Civil Service or a Commission, if a member of that Service or Commission is not available on the spot, a Provincial Service officer should be placed in charge of the vacant appointment.

99—103. Cancelled.

Chapter VI.—Acting Allowances—Rules for Calculation.

SECTION I.—IMPERIAL SERVICES AND SERVICES ORGANISED ON A TIME-SCALE BASIS.

104. The rules in this Section apply to all Imperial Services and to any other Service, except the Indian Finance Department, which is organised on a time-scale basis.

NOTE.—[The officiating promotion and acting allowances of officers of the Indian Finance Department are regulated by the rules which were in force prior to 11th September 1920.]

105. Subject to the provisions of Article 162, an officer holding one appointment substantively, who is appointed to officiate in another, shall not draw acting allowance unless the officiating appointment involves the assumption of duties or responsibilities of greater importance or of a different character. This condition is not fulfilled if the two appointments are on the same scale of pay.

NOTE.—[Two appointments are said to be on the same scale of pay when they fall within a cadre or a class in a cadre, such cadre or class having been created in order to fill all appointments involving duties of approximately the same character or degree or responsibility in a service or establishment or group of establishments, so that the pay of the holder of any particular appointment is determined by his position in the cadre or class and not by the fact that he holds that appointment.]

Exception.—Officers who on 10th September 1920 were in receipt of acting allowances as officiating in the selection grade of Judges may be permitted by the Local Government to continue to draw acting allowances for so long as they officiate continuously: and a similar concession may be given to officers in other services similarly situated.

106. Subject to the provisions of Articles 105 and 108, the acting allowance of an officiating officer will be the difference between his pay and the pay of the appointment in which he officiates. If, however, his substantive pay is greater than the pay of the appointment in which he officiates, he will continue to draw his substantive pay.

107. An officer officiating in an appointment on a time-scale draws as initial salary the stage of the time-scale next above his substantive pay, if any; provided that, if he has previously officiated in the appointment or in an appointment in the same cadre on the same time-scale, his initial salary shall not be less than the salary which he drew when last officiating. All officiating service in any stage of the time-scale, whether continuous or not, counts for increment in that stage. If the salary drawn during any period of past officiating service was intermediate between two stages of the time-scale, that period will count for increment in the lower of the two stages. If the substantive pay of the officer at any time exceeds the salary calculated under this rule, he will draw salary equal to that substantive pay.

NOTE.—[This Article does not apply to any time-scale sanctioned by the Secretary of State in Council in so far as it is inconsistent with the terms specially so sanctioned for such time-scale.]

108. A Local Government may grant to an officiating officer an acting allowance less than that admissible under these rules.

109—137. Cancelled.

SECTION II.—OTHER SERVICES.

138. The following rules are applicable to officers in Civil employ whose cases are not provided for in Section I of this Chapter, or by rules peculiar to the Services concerned, such as—

- (1) Lieutenant-Governors and Members of Council (see Chapter XXII).
- (2) Judges of the High Courts (See Chapter XXIII).
- (3) Ecclesiastical Officers (see Chapter XXVII).
- (4) Law Officers (see Chapter XXXI).

139—139A. Cancelled.

Officers having a Substantive Appointment.

140. An officer with a substantive appointment, officiating in an appointment to which this Section applies and of which the pay is not less than Rs. 100, is entitled to an acting allowance of one-fifth of the pay of the appointment: Provided that no officer may under this Article be appointed to officiate in a higher grade of his own class.

1.—A Section-writer or a Press servant who is paid for piece-work is, for the purposes of the rules in this Section, held to be an officer without a substantive appointment.

141. For the purposes of this Section, the pay of an appointment which belongs to a graded class is the average pay of the grades, calculated without reference to the number of appointments in each grade; but the officiating officer's salary shall not exceed the pay of the lowest grade, unless he belongs to another department, and is especially appointed to officiate in a grade other than the lowest.

The provisions of this Article are not to be applied in the case of temporary acting appointments not lasting longer than three months so as to give the officiating officer a lower salary than his salary in the appointment he would have continued to hold but for the acting appointment.

Medical Appointments.

142. A Military Assistant Surgeon while officiating in charge of a Civil station is entitled to draw the full minimum pay of the post and to count the period of officiating service towards increment.

NOTE.—[In Bengal, the Punjab, the Central Provinces, Bihar and Orissa, Assam and Burma, the undermentioned allowances may be granted under the orders of the Local Government to a Military Assistant Surgeon performing the duties of the Civil Surgeon at headquarters while the latter is absent for more than seven days on duty :—

(a) If the substantive holder of the charge is a Commissioned Medical Officer—	Rs.
To a Senior Military Assistant Surgeon, or Military Assistant Surgeon, first class, a duty allowance of	75
To a Military Assistant Surgeon of the second, third or fourth class, a duty allowance of	50
(b) If the substantive holder of the charge is a Civil or Military Assistant Surgeon—	
In all cases, a duty allowance of	50

143. Cancelled.

143A. A military Assistant Surgeon officiating at the Presidency General Hospital, Calcutta, or as Assistant Apothecary, Medical College Hospital, Calcutta, is entitled to a fixed acting allowance of Rs. 50 a month.

Officers without a Substantive Appointment.

144. (a) An officer without a substantive appointment, officiating in an appointment the pay of which is not less than Rs. 100, is ordinarily entitled to an acting allowance of half the pay, or, if the pay of the appointment is progressive, half the minimum pay, of the appointment.

(b) In special cases, however, the acting allowance may, with the previous sanction of the Local Government, be increased to an amount not exceeding the full pay of the appointment.

NOTE 1.—[The Local Government may delegate its powers under clause (b) of this Article to Heads of Departments in respect of non-gazetted officers under their control.]

NOTE 2.—[The salary of an officer without a substantive appointment who does not devote his whole time to the duties of the appointment in which he officiates, is regulated by clause (a) of this Article. If the appointment is not ordinarily a whole-time post, the Local Government may increase his salary up to the full pay

of the appointment under clause (b) of the Article; but otherwise, no allowance in excess of the minimum laid down in clause (a) may be given to such an officer without the sanction of the Government of India.]

NOTE 3.—[A report of the circumstances of each case in which sanction is accorded by the Local Government or Subordinate Heads of Departments under clause (b) of this Article should be forwarded at the beginning of each year through the audit officer to the Government of India in an amalgamated schedule.]

145—146. Cancelled.

Appointments on less than Rs. 100.

147. The salary of an officer officiating in an appointment of which the pay is less than Rs. 100 should, as far as practicable, be regulated by Articles 140 and 144. The following conditions must be observed :—

- (i) If the officiating officer has a substantive appointment, his salary must not exceed what it would be if Article 140 were applied.
- (ii) If he has no substantive appointment, the officer who appoints him may grant him such allowance, not exceeding the pay, or if the appointment is progressive, the minimum pay, of the appointment, as he considers necessary.
- (iii) If the vacancy is caused by the absence on leave of an officer in inferior service, the absentee allowance of such officer must not exceed the difference between his pay and the sum of the acting allowances paid in consequence of his absence, except when, in the resultant acting arrangements, an officer who has no substantive appointment is given more than half the pay of the appointment in which he acts—in which case the excess over half pay granted to him may, at the discretion of the Local Government, be disregarded altogether in calculating the sum available for the leave allowance of the absentee and the acting allowances paid in consequence of his absence.

1. The Local Government may delegate its power under this clause to Heads of Offices and Departments.

148. The third of the conditions above mentioned is not enforced in the case of :—

- (i) Officers on hospital leave under Chapter XII, Articles 287 to 294
- (ii) Female warders or matrons employed in Jails.

Appointments on Progressive Pay.

148A. In the case of progressive appointments, acting allowances are fixed as follows :—

- (a) An officer whose substantive pay is progressive, and who acts in an office of which the pay is fixed. In this case the

officer's acting allowance is calculated as if his substantive pay were a fixed one, equal to the amount at which from time to time it stands.

(b) An officer whose substantive pay is fixed, and who acts in an office of which the pay is progressive. In this case the officer's acting allowance is calculated upon the pay to which he would from time to time have risen if he had held the officiating appointment substantively.

(c) An officer whose substantive pay is progressive, and who acts in an office of which the pay is progressive. In this case the officer draws—

(i) His substantive pay, with the increments thereof as they fall due;

(ii) The acting allowance which he would have drawn if the substantive and officiating appointments were both on fixed pay equal to the minimum.

NOTE 1.—[No officer should be transferred to officiate in a progressive appointment the value of which calculated under Article 150 is less than that of his substantive appointment, save for special reasons of a public nature, to be recorded by the authority appointing him.]

NOTE 2.—[The maximum limit of salary is not that prescribed in Article 96 but the officer's substantive pay or the pay to which he would have risen if his officiating tenure had been substantive, whichever is the greater.]

NOTE 3.—[When calculating the salary of an officer who acts in an appointment, the whole of the acting tenure, whether continuous or not, should be taken into account.]

Example.—An officer who is substantively in the Rs. 170 stage of an appointment on Rs. 150—10—200 is appointed to act in an office of which the pay is Rs. 200—B—240. His salary is thus fixed—

	Rs.	} But this is limited for the first year to Rs. 200.
Pay.	170	
Acting allowance (one-fifth of Rs. 200)	40	
Total	210	

Next year he gets pay Rs. 180 + acting allowance Rs. 40 = total Rs. 220. But this is limited for a year to Rs. 200.

Chapter VII—Regulation of Progressive Pay

149. Except under special orders to the contrary, a Progressive pay shall not rise from the minimum to the maximum by less than five equal yearly increments.

149A. The rules in Articles 151 to 160-B in this Chapter do not apply to any Time-scale or Progressive pay sanctioned by the Secretary of State in Council in so far as they are inconsistent with the terms specially so sanctioned for such Time-scale or Progressive pay.

Calculation of Value.

150. A Progressive pay is, on an average, equivalent to a fixed pay, the amount of which lies between the minimum and maximum of the Progressive pay. The exact amount of this equivalent varies according to the conditions of each appointment; but in practice, it is assumed that a Progressive pay rising to its maximum by five equal yearly increments, is equivalent to a fixed pay equal to the minimum *plus* two-thirds, or if the appointment is a ministerial appointment, *plus* three-fourths, of the difference between the minimum and the maximum.

NOTE.—[This Article does not fix the pay of a Progressive appointment, but only indicates the mode of rating the value of such an appointment for financial purposes.]

Accrual of Increment.

151. An increment accrues from the day following that on which it is earned.

Exception.—An officer appointed in England by the Secretary of State for service in India receives the increment in his pay in accordance with the terms of his engagement.

152. A periodical increment should not be granted to an officer serving on Progressive pay, as a matter of course, or unless his conduct has been good. When an increment is withheld, the period for which it is withheld is at the discretion of the authority having power to withhold, who will also decide whether the postponement is or is not to have the effect of similarly postponing future increments. The authority having power to withhold is, in the case of ministerial and menial officers, the head of the office, and in the case of other officers, the Local Government, which may delegate the powers to heads of departments or other supervising officers.

153. (a) A proposal to grant an increment of Progressive pay in advance of the due date should always be scrutinised with special jealousy: it is contrary to the principle of Progressive pay to grant an increment before it is due, and such a grant should not be recommended or allowed, excepting under circumstances which would justify a personal allowance to an officer whose pay is fixed,—that is to say, seldom if ever.

(b) The powers of the Government of India, of Local Governments and of subordinate authorities to grant a premature increment to an officer are subject to the limits up to which each such authority can raise the officer's remuneration.

154. An officer reduced to a lower grade or appointment on account of misconduct or inefficiency cannot, without the sanction of the authority by whom he is reinstated or promoted, count for increments

previous service in the grade or appointment from which he was reduced.

155. Omitted.

Initial Pay.

156. When an officer is appointed substantively to a post on progressive pay—

(a) (i) if he has not previously officiated in the post; or

(ii) if he has officiated in it but his present substantive pay exceeds the salary which he last drew in it,

he will draw as initial pay the pay of the stage in the progressive scale next above his present substantive pay, and will draw increments after the period usually required; and

(b) if he has previously officiated in the post, but his present substantive pay does not exceed the salary which he drew when last officiating,

he will draw initial pay equal to that salary, and will count for increment in that stage the period during which he was drawing the said salary.

157—157A. Cancelled.

157B. (a) When, however, the conditions of an officer's service are such that he is liable to be transferred in the same department between appointments of which the pay and increments are identical, his service will, in the case of such a transfer, count for increments as if he had not been transferred.

(b) The authority which orders the transfer of an officer, as a penalty from a higher to a lower appointment, may allow him to draw any salary not exceeding the maximum of the lower appointment, as it may think proper.

158. The incumbent of an appointment the pay of which is changed shall be treated as if he were transferred to a new appointment on the new pay: Provided he may at his option retain his old pay until the date on which he has earned his next or any subsequent increment on the old pay, or until he vacates his appointment. This option once made is final.

Time spent on Leave and under Suspension.

159. Time spent on leave with allowances counts towards increments in the same manner as if during it the officer had actually held or officiated in (as the case may be) the appointment on which he has a lien.

NOTE.—[The last sentence of Article 31 must not be held to conflict with this Article. Subject always to the provisions of Article 60, the phrase "the appointment on which he has a lien" means the appointment which the officer relinquished when he proceeded on leave and does not refer to an appointment to which an officer has been nominated during his absence on leave.]

160. Time passed under suspension does not count towards increments if the suspension is a penalty for misconduct; but an officer, in directing the reinstatement of a person who has been suspended, may declare that the time shall count.

Officers under Training.

160A. A Local Government may at its discretion decide, in the case of an officer who is selected to undergo a course of training, whether the time spent in training shall count as service qualifying for increments of pay.

NOTE 1.—[The Local Government may delegate its powers under this Article to Heads of Departments.]

NOTE 2.—[A Local Government may issue general orders under this Article in regard to any specified class of officers under training.]

Officers on a Time-scale of Pay.

160B. (a) Leave without allowances taken by an officer prior to his admission to a time-scale of pay, and overstayals of privilege leave to the extent of one week in similar circumstances, count for increments under the time-scale.

(b) Leave without allowances taken by an officer while he is on a time-scale of pay, or overstayals of privilege leave, do not count towards increments; but Local Governments and Departments of the Government of India which have the powers of Local Governments, may exempt an officer from the operation of the rule, on proof being furnished to them that the leave was taken on account of illness or other cause beyond the officer's control.

Chapter VIII—Combination of Appointments and Salaries.

SECTION I.—AN OFFICER PERFORMING PERMANENTLY THE DUTIES OF ONE OR MORE SANCTIONED APPOINTMENTS IN ADDITION TO THE DUTIES OF HIS OWN APPOINTMENT.

161. A Local Government may appoint an officer to hold permanently two or more appointments at the same time if the aggregate remuneration does not exceed the maximum limit up to which it can increase an officer's remuneration. The salary of an officer appointed to officiate in two or more appointments which under due sanction have been combined as a single charge is calculated upon the pay fixed for the combined appointment, Article 162 being inoperative in such case.

NOTE.—[A Local Government may delegate its power under this Article to a Head of a Department in cases where he is competent to fill up the appointment.]

SECTION II.—AN OFFICER PERFORMING TEMPORARILY ADDITIONAL DUTIES WHICH ARE OUTSIDE THE DUTIES OF HIS OWN APPOINTMENT.

Performance of additional duties for which there are one or more sanctioned appointments.

162. A Local Government may, without the sanction of the Government of India, appoint one officer to hold substantively as a temporary measure, or to officiate in, two or more independent appointments at one time. In such cases, the emoluments are regulated as follows :—

- (i) He draws the highest salary to which he would be entitled if he held, or, as the case may be, officiated in, any one of the appointments alone.
- (ii) For the other appointment or appointments he draws such allowances as the Local Government may fix, not exceeding for each appointment half the salary which he would draw if he held, or, as the case may be, officiated in, it alone.
- (iii) Provided that his aggregate salary shall not exceed the pay which he would draw in the most highly paid of the appointments, if he held it substantively and alone.

1. The Local Government may delegate its power under this Article to the Head of a Department or Commissioner of a Division.

2. The proviso in clause (iii) of this Article may be dispensed with if the Local Government declares that for special reasons (which shall be recorded) it is necessary on public grounds to entrust to the one officer the duties of the several offices at once, and that the salary to which he would be limited by this proviso is not enough.

NOTE.—[This Article does not apply to the allowance given to a Government officer for holding a Professorship or Lecturership in any Government institution conjointly with another office.]

162A. Article 162 does not apply to the case of an officer discharging the duties of more than one appointment in the same office or on the same establishment. An officer so employed is entitled to the highest salary to which he would be entitled if he held or officiated in any of the appointments alone, and to nothing more.

Examples.—An Under-Secretary discharging the duties of a fellow Under-Secretary in the same office or department as well as his own.

A Joint Magistrate appointed, in addition to his own duties, to officiate as Magistrate of the District. In this case he gets allowances only as Officiating Magistrate.

A District Judge deprived of the help of an Additional or Assistant Judge, and therefore doing the Additional or Assistant Judge's work.

A Joint Magistrate doing the work of a second Joint Magistrate in the District as well as his own.

A subordinate doing the duties of another subordinate in the same office.

163. The allowances for his Civil duties of a Military Officer, appointed to officiate in a Civil office other than a Cantonment Magistracy without being relieved of his Military duty, are regulated in accordance with Article 162 and Rule 2 under it and are drawn in the Civil Department. If he has no substantive appointment in the Military Department, the pay of his rank is held to be his substantive pay for the purposes of Article 162.

NOTE.—[This Article does not apply to cases of Medical appointments falling under Article 171.]

164. An officer holding two or more independent appointments, to all or any of which a local or duty allowance is attached, will ordinarily draw the highest allowance (whether it is local allowance or duty allowance) attached to any one of the appointments. In case, however, the highest allowance is a local allowance, the difference between this and the highest duty allowance, if any, will be treated as a local allowance and the balance as duty allowance. But the Local Government may, for special reasons, allow him to draw all such allowances attached to the different appointments held by him.

Charge of Current Duties.

165. An officer appointed to be in charge of the current duties of an office in addition to his own duties may, if the charge in the opinion of the Local Government entails a substantial increase of responsibility and some additional work, be granted a charge allowance, to be fixed by the Local Government, not exceeding one-tenth of the pay of the office; provided that if the office is open to, and may in practice be held by, a member of the Indian Civil Service or a Military Officer, the allowance shall not be less than Rs. 100.

NOTE.—[The Local Government may delegate its power under this Article to Heads of Departments.]

166. The salary of an officer appointed to be in charge of the current duties of an additional office shall never exceed the salary which he would receive for officiating in the office. One effect of this rule is that an officer is not entitled to an allowance for taking charge of an office the pay of which is not more than that of his own substantive office. But the Local Government may, for special reasons which shall be recorded, relax this restriction.

167. The amount of "charge allowance" has been fixed in the cases shown in Appendix 6.

168. (a) No allowance is admissible under Article 165 unless the incumbent has actually given over charge of the office under the orders of competent authority, and is absent on leave or deputation or is under suspension. For instance, no allowance is admissible to a subordinate officer empowered to dispose of routine business while his superior is on tour.

(b) But in the Northern India Salt Revenue Department, charge allowance is granted to an officer placed in charge of the current duties of an Assistant Commissioner's office during the absence of the incumbent on tour.

169. An officer placed in charge of the current duties of an office is not entitled to any local or duty allowances attached to the office, except under the special orders of the Local Government. (See also Article 1010.)

NOTE.—[The Local Government may delegate its power under this Article to the Head of a Department or Commissioner of a Division.]

169A. The above rules in this Chapter do not apply to the special cases dealt with in the following Articles,—Articles 170 to 174,—for which special allowances are admissible.

SPECIAL CASES.

District Jail.

170. No allowance is admissible to a member of the Indian Civil Service, or to any officer holding an appointment ordinarily held by a member of that Service, or to a Superintendent of a Central Jail, for the executive charge, either permanently or temporarily, of a District Jail. Any other person, whether he does or does not hold any office under Government, if placed in executive charge of a District Jail, is entitled to an allowance on the following scale:—

1st class Jail	. . . . .	Rs. 150 a month.
2nd class Jail	. . . . .	Rs. 100 a month.
3rd class Jail	. . . . .	Rs. 75 a month.
4th class Jail	. . . . .	Rs. 50 a month.

Civil Surgeoncy.

171. A Regimental Medical Officer appointed to act as Civil Surgeon without relinquishing his Regimental duties is entitled to an allowance of Rs. 100 a month.

172. An officer in medical charge of a Civil station is entitled to an allowance of Rs. 100 a month for holding visiting charge of a second station.

NOTE.—[In Bengal the allowance may be Rs. 50 or Rs. 100 as the Local Government may fix.]

Medical Charge of Jails.

172A. An officer appointed to the medical charge of a Central Jail when the administrative and medical charges are not united is entitled to an allowance of Rs. 100, or, in special cases at the discretion of the Local Government, Rs. 150;

Provided always that the aggregate cost for the administrative and medical charges shall not exceed the total pay payable for the combination of the two charges in one person.

Agricultural Appointments.

172B. When a post specially reserved for, or usually filled by, an officer of the Indian Agricultural Service is vacant, the Local Government may appoint an officer of the Agricultural Service other than an Indian Agricultural Service Officer to hold charge of its current duties in addition to his own, and may in such cases grant an allowance not exceeding Rs. 50 a month.

Veterinary Appointments.

173. When a post specially reserved for, or usually filled by, an officer of the Imperial Civil Veterinary Service is vacant, the Local Government may appoint an officer of the Civil Veterinary Service other than an Imperial Civil Veterinary Service Officer to hold charge of its current duties in addition to his own, and may in such cases grant an allowance not exceeding Rs. 50 a month.

174. Cancelled.

Nature of the allowance.

174A. The allowances granted under Articles 170 to 174 are 'acting' or 'charge' allowances if they are granted to an officer for acting in, or holding charge of the current duties of, an office for which there is a sanctioned appointment and 'duty' allowances if granted for the performance of duties for which there is no sanctioned appointment.

Chapter IX Joining Time.

SECTION I.—GENERAL RULES.

175. Joining Time is the time allowed to an officer to proceed from one station to another when his appointment is changed, or when, being unemployed, he is appointed to any office, or to an officer returning from long leave out of India (whether combined with privilege leave or not), who is not entitled to subsidiary leave, to travel from the port of debarkation and re-organise his domestic establishment. In the latter case the minimum Joining Time is 10 days. An officer is held to be on duty during Joining Time.

176. In cases involving a change of station, Joining Time is calculated as follows, subject to a maximum of thirty days :—

(i) Six days for preparation ; and, in addition thereto :—

For the portion of the journey which the officer travels or might travel—	a day for each.	
By railway	250 miles.	
By ocean steamer	200 „	} or any longer time actually occupied in the journey.
By river steamers	80 „	
By motor car plying for public hire	80 „	
By mail cart or other public stage conveyance drawn by horses	80 „	
In any other way	15 „	

An extra day is allowed for any fraction of distance over that prescribed.

(ii) When part of the journey is by steamer, the days intervening between the officer being set free from his office, or, if he has no office, receiving his orders, and the departure of the steamer or his start duly regulated to catch the steamer, shall be added.

NOTE 1.—[Sundays are not included in the above calculations, though they are included in the maximum limit of thirty days.]

NOTE 2.—[A journey by road of five miles or under to or from a railway station from or to the point which may be prescribed under Article 998 does not count for joining time.]

NOTE 3.—[An officer whose salary does not exceed Rs. 100 a month should not ordinarily be required to travel by mail cart or other public stage conveyance drawn by horses.]

177. By whatever route the officer travels, his Joining Time shall, unless the Local Government specially permit otherwise, be calculated by the route which travelers habitually use.

NOTE.—[The Local Government may delegate its powers under this Article to Heads of Departments.]

178. (a) The Local Government may in any case extend the Joining Time admissible by rule provided the general spirit of the rules is observed.

(b) Within the maximum of thirty days, Heads of Departments and Commissioners of Divisions in the case of officers of Provincial Services and non-gazetted subordinates under their control, may extend the Joining Time admissible by rule—

(i) if the officer has been unable to avail himself of the usual mode of travelling, or if, notwithstanding due diligence on his part, the journey has occupied more time than is allowed by the rules— to the extent of the time actually taken :

(ii) if such extension is considered necessary for the public convenience or for the saving of public expense, as, for example, to prevent unnecessary and merely formal transfers to the extent necessary :

- (iii) if the rules have in any particular case operated harshly, as, for example, if an officer has through no fault on his part missed a steamer or fallen sick on the journey—to the extent necessary, on such conditions as to allowances or otherwise as the sanctioning authority may think fit.

NOTE.—[A Local Government may delegate the powers of Heads of Departments under clause (b) of this Article to other subordinate authorities in respect of non-gazetted officers serving under the latter.]

179. The Audit Officer shall move the Local Government to report to the Government of India any concession made under the preceding Article, which appears to him contrary to the spirit of the rules. The Local Government may not, finally, overrule the Audit Officer without a reference to the Governor General in Council.

SECTION II.—JOINING TIME ON FIRST APPOINTMENT OR TRANSFER.

180. Only one day is allowed for joining an appointment which does not necessarily involve a change of residence from one station to another.

NOTE.—[Sundays are included in the calculation of the joining time of one day admissible under this Article. An officer who gives over charge on Saturday forenoon must, therefore, take charge on Saturday afternoon, and an officer who gives over charge on Saturday afternoon must take charge on Monday forenoon.]

181. If an officer is authorised under Article 53 to make over charge of an office elsewhere than at its headquarters, any Joining Time to which he may be entitled shall be reckoned from the place at which he actually makes over charge.

When Leave intervenes.

182. When an officer, after giving over charge of his office at one station on transfer, or reversion to another office, takes Privilege or Examination leave before joining the office to which he has been transferred, or to which he has reverted, or when an officer, while on Privilege or Examination leave, is transferred to a station other than that from which he took leave, he is entitled to Joining Time in addition to his Privilege or Examination leave. The Joining Time of an officer transferred during Privilege or Examination leave will be counted from his old station, or from the place where he receives the order of transfer, whichever calculation would entitle him to the less Joining Time.

183. If an officer, during transit from one appointment to another, obtains Furlough on medical certificate (with or without Privilege leave prefixed), he may be allowed only the Joining Time calculated for the journey from his old station to the furthest place to which he has proceeded on his route to his new station.

Appointment Changed.

184. The Joining Time of an officer whose appointment is changed while he is in transit from one appointment to another begins on the day following that on which he receives his orders.

Allowances.

185. Except in the case mentioned in Article 188, an officer draws, during Joining Time, the pay or salary which he *[would have drawn if he had not been transferred], or that which he will draw on joining his new appointment, whichever is less : Provided that an officer transferred from one officiating appointment to another shall not draw any acting allowance during Joining Time if he had not a superior lien on either of the officiating appointments to that of the officer relieved by or relieving him. If the officer is entitled to tentage in his old appointment and tentage is also attached to his new appointment, he may draw tentage during Joining Time at the lower of the two rates. If the officer in his old appointment drew a local allowance granted on account of special expensiveness of living or unhealthiness of climate, in any district, province or locality, and the transfer is to another appointment within the same district, province or locality he may draw the local allowance during Joining Time. Provided that, if the rates differ in the two appointments or parts of the local area, he may draw the lower rate only. If an officer drawing a duty allowance in one appointment is transferred to another appointment similarly carrying a duty allowance he may draw the same during the period of transit provided that, if the rates differ, the allowance to which he is entitled is the lower of the two.

NOTE.—[An officer transferred from service under His Majesty's Government in the United Kingdom to service to which these Regulations apply draws, for the period of the voyage to India and from the date of debarkation to the date preceding that of assumption of charge, pay at the rate last drawn by him in his appointment under His Majesty's Government.]

186. When, under Article 182, an officer combines Privilege or Examination leave and Joining Time, his allowances during Joining Time,—that is to say for the period, not exceeding the Joining Time admissible by rule, in excess of his Privilege or Examination leave, during which he is absent from duty,—must be calculated at the rate at which his Joining Time allowance would have been calculated if he had joined the office to which he is transferred directly.

187. If a member of the Indian Civil Service, on first arrival in India, is unable, from illness, to proceed to the seat of the Government to which he is attached or to any other station to which he is ordered to proceed direct, the Local Government in whose jurisdiction he is, may, on medical certificate, grant him a subsistence allowance of Rs. 250 a month for not more than two months. Time thus spent is not Active Service.

* [] This amendment takes effect from the 11th September 1929.

188. An officer who is not in the Indian Civil Service or in the Army, and who has no substantive appointment, is not entitled to any allowance during Joining Time; but if such an officer officiating in an office is transferred to another office under the same Local Government, the officer who orders the transfer may allow him to draw, during his transit, the allowance to which he would be entitled under the first sentence of Article 185.

NOTE.—[A Provincial Government may issue general orders applicable to officers of any particular class holding no substantive appointment, permitting them to draw the allowances admissible under the first sentence of Article 185, when transferred from one office under it to another.]

Exceeding Joining Time.

189. An officer who does not join his new appointment within his Joining Time is entitled to no allowances after the end of his Joining Time, and after a week ceases to have a lien on any appointment. But if the authority making the appointment considers that his default was due to circumstances beyond his control, it may exempt him from the loss of his appointment.

NOTE.—[The expression "allowances" in this Article does not include travelling allowance.]

Ministerial Officers.

190. A ministerial officer transferred to service in another office is entitled to Joining Time under the rules in this Chapter and his service for leave and pension is not interrupted. But unless his transfer has been ordered for the public convenience he is not entitled to any allowances during Joining Time and the Joining Time does not count as service for leave or pension.

NOTE 1.—[A transfer at the officer's request for his own advantage is not a transfer for the public convenience within the meaning of this Article.]

NOTE 2.—[The procedure laid down in Article 1099 should be followed when an officer is transferred otherwise than for the public convenience.]

SECTION III.—JOINING TIME ON RETURN FROM LONG LEAVE OUT OF INDIA.

190A. (a) An officer returning to India, without the permission of the authority which granted him leave, more than fourteen days before the end of his leave, is not entitled to Joining Time, save under the special orders of the Local Government.

(b) An officer, serving in Persia or Arabia, reckons such Joining Time from the port or frontier town by which he returns to the country. The date of arrival at such port or frontier town must be certified by the British Consul, or, if there be no British Consul, by the officer himself.

**190B-193] OFFICERS DISMISSED, REMOVED, SUSPENDED, OR [CHAP. X
IMPRISONED**

(c) An officer either of the Persian or the Persian Gulf Section of the Indo-European Telegraph Department, who returns from leave by an Indian port whether it be Karachi or Bombay, may reckon Joining Time from such port.

190B. During Joining Time granted to an officer returning from long leave out of India he is entitled to allowances as follows :—

- (a) If the leave from which the officer returned was (i) furlough other than furlough on average salary or (ii) extraordinary leave granted in extension of furlough for a period not exceeding 14 days, the officer retaining a lien on his substantive appointment, he is entitled to the allowances which he would have drawn for the last day of his furlough had that day been spent on furlough in Asia. These allowances are subject to no maximum if the officer is a member of the Indian Civil Service or a Military Officer subject to the Civil Leave Rules. Otherwise they are subject to the maxima prescribed for allowances during leave spent in Asia. If the furlough was furlough on average salary under Article 316A or 325A, the allowances admissible are as for furlough on half average salary.
- (b) If the leave from which the officer returned was extraordinary leave and the conditions of clause (a) (ii) are not fulfilled, a member of the Indian Civil Service or a Military Officer subject to the Civil Leave Rules is entitled to subsistence allowance and other officers to no allowance.

CHAPTER X—Officers Dismissed, [Removed,] Suspended, or Imprisoned.

Members of the Indian Civil Service and Military Officers.

191. A member of the Indian Civil Service is entitled when under suspension to the subsistence allowance of his rank, and a Military officer in Civil employ to the pay and allowances of his rank.

Other Officers.

192. Saving as provided in Article 193 (b), an officer under suspension is entitled to no salary while he is absent from duty, and the salary of an officer who is dismissed [or removed]¹ ceases absolutely from the date of his dismissal [or removal]¹; no allowances may be granted for any period occupied in the prosecution of appeals against the order of dismissal [or removal]¹.

193. (a) A subsistence allowance, at a rate not exceeding one quarter of his salary, may be granted by the authority suspending him to

¹ [] These amendments take effect from the 11th February 1936.

an officer removed from office pending enquiry into his alleged misconduct: Provided that the subsistence allowance of a European should not commonly be less than Rs. 25 a month; if his salary be less than Rs. 100 a month, the rate may be increased accordingly. An officer of the Marine Department, whose duties are not confined to the shore, will draw, in addition to the subsistence allowance, rations, or, when rations are not issued, compensation in lieu thereof.

(b) When the suspension of a Government servant is held to have been unjustifiable or not wholly justifiable; or when a Government servant who has been dismissed ¹[removed] or suspended is reinstated,

the revising or appellate authority may grant to him for the period of his absence from duty—

(a) if he is honourably acquitted, the full salary to which he would have been entitled if he had not been dismissed, ¹[removed] or suspended and, by an order to be separately recorded, any allowance of which he was in receipt prior to his dismissal, ¹[removal] or suspension; or

(b) if otherwise, such proportion of such salary and allowances as the revising or appellate authority may prescribe.

In a case falling under clause (a), the period of absence from duty will be treated as a period spent on duty. In a case falling under clause (b), it will not be treated as a period spent on duty unless the revising or appellate authority so directs.

(c) No extra cost may ordinarily be imposed on the State by the grant of an allowance under either clause (a) or clause (b) without the permission of the Local Government. In cases however where it does not exceed Rs. 500 and where the period during which the officer has remained unemployed through suspension, [removal]¹ or dismissal does not exceed six months, the excess expenditure may be admitted on the sanction of the authority mentioned in clause (a) or in clause (b) as the case may be.

NOTE.—[The subsistence allowance referred to in clause (a) is authorised as a matter of grace only, and cannot be claimed as of right.]

193A. The preceding Article applies also to officers in temporary employ, but in deciding whether an allowance should be granted to such officers, the period for which the temporary appointment has been sanctioned should be taken into consideration.

Committals to Prison.

194. A servant of Government committed to prison either for debt or on a criminal charge, should be considered as under suspension from the date of his arrest, and not allowed to draw any pay until the termination of the proceedings against him, when an adjustment of his allowances should be made according to the circumstances of the case, the

¹ [] These amendments take effect from the 11th February 1936.

full amount being given only in the event of the officer being acquitted of blame or (if the imprisonment was for debt), of its being proved that the officer's liability arose from circumstances beyond his control.

Leave while under Suspension.

195. Leave of absence for a definite period is not admissible to an officer who has been suspended from duty. If permission to proceed to England is granted in such a case, it should only be for such period as the Secretary of State may determine.

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PART III.—LEAVE RULES.

Chapter XI.—General Conditions of Leave.

SECTION I.—GENERAL RULES.

196. The rules in this Chapter apply to all officers in Civil employ except in as far as they are inconsistent with, or overridden by, the special conditions of leave which obtain in the case of the following classes of officers :—

- (a) Lieutenant-Governors and Members of Council (see Chapter XXII).
- (b) Judges of the High Courts (see Chapter XXIII).
- (c) Barristers and Pleaders holding the appointments specified in Article 547 (see Chapter XXIV).
- (d) Statutory Civil Servants (see Chapter XXVI).*
- (e) Ecclesiastical Officers (see Chapter XXVII).
- (f) Officers subject to the Military Leave Rules (see Chapter XXVIII).
- (g) Army Veterinary Officers of the Civil Veterinary Department (see Chapter XXIX).
- (h) Law Officers (see Chapter XXXI).
- (i) State Railway Establishments (see Chapter XXXII).
- (j) Bengal Covenanted Pilot Service (see Chapter XXXIII).*
- (k) Port Blair Police (see Chapter XXXIV).
- (l) Assam and Dacca Military Police (see Chapter XXXV).
- (m) Calcutta and Suburban Police Forces (see Chapter XXXVI).
- (n) Burma Military Police (see Chapter XXXVII).
- (o) Officers serving under Special Contracts (their contracts).

1. An officer appointed under contract for any term of years without prospect of permanent employment is not entitled to leave, other than privilege leave and leave on medical certificate (regarding which see Note below), except in accordance with the terms of his contract.—(See Note under Article 352.)

NOTE.—[If the health of an officer who is serving under an agreement which does not give a title to leave until the expiry of a fixed period fails during that period, his engagement should be terminated, unless—

- (i) he has exhibited such special ability that it is desirable on public grounds to retain him even at the cost of the difference between a leave allowance and any passage money, etc., due under his agreement; and
- (ii) it is certified that he will in all probability be able to return to duty at or before the end of six months.

In cases in which the engagement is not terminated, leave may be granted for a period not exceeding six months and on allowances not exceeding half-pay.]

* Since cancelled.

Discretion of Government.

197. (a) Leave of absence cannot be claimed as of right. Nothing in these Regulations must be understood to limit the free discretion of the Government to refuse, or revoke, leave of absence of any description, at any time according to the exigencies of the public service.

(b) The Local Government may refuse to grant the full amount of leave applied for in any case, and should, by the exercise of this power, so regulate the date of an officer's return from leave as to cause as little change as possible in administrative arrangements.

Local Governments should not grant leave of any description to an extent which would unduly deplete the strength of a service or department available for active duty. Consequently, when the duty strength has been reduced to a point which, in the opinion of the Local Government, is for the time being an essential minimum, no further leave of any description should be given save in cases of the most absolute necessity, such as sickness or most urgent private affairs, until the strength available for duty has increased. In applying this principle, Local Governments may take into special consideration the case of officers who apply for privilege leave in India, for, as they can be readily recalled if necessary, they stand on a different footing to officers who are out of convenient reach.

1. The Local Government may lay down such conditions as it may consider administratively desirable to check any undue frequency of leave in the case of officers holding isolated appointments not filled by members of a regularly organised service.

2. When the cadre of a service includes provision for appointments under the Government of India or in another province, the Local Government should take particular care that the needs of other Governments are properly complied with.

(c) This Article gives Local Governments ample powers for regulating leave of every description and in dealing with applications for leave the following instructions should be carefully borne in mind :—

1. *Extract from Circular in the Home Department, No. 22 (Public) dated 16th May 1884.*—"The Secretary of State has now decided that the Civil Furlough Rules as they stand, appear to make sufficient provision against their frequent or general abuse, and that any present formal modification of those rules is therefore unnecessary. Officers at home on medical leave will not be permitted to return to duty without a medical certificate of fitness for duty in India. At the same time, His Lordship expresses his readiness to reconsider the subject should further experience show that more stringent precautions against abuse of the rules are necessary, and is of opinion that the matter might be brought by circular to the notice of Local Governments and heads of departments. It is pointed out that to grant leave on urgent private affairs in consideration of the state of an officer's health is not in accordance with the spirit of the rules. When an officer applies for repeated grants of medical leave within short intervals, the attention of the Medical Board should be drawn to his case with a view to their carefully considering the term of absence necessary for his complete recovery."

2. *Home Department No. 513 (Public), dated 16th April 1883.*—"Two Military officers having applied for ordinary furlough within a short period after their transfer to employment in the Civil Department,—namely, before they had completed one year's service in that Department,—the Local Government concerned felt itself justified under the terms in *clause (a)* in refusing to forward the applications unless supported by medical certificate, and reported its proceeding to the Government of India. The Local Government was told that 'the object of the rule contained in *clause (a)* under which these applications fall to be dealt with is to give Local Governments the fullest power of dealing with applications for leave, subject to the condition that leave may be refused only on public grounds.' The Local Government's action was accordingly approved."

Maximum Leave Admissible.

198. After five years' continuous absence, whether with or without leave, an officer is considered to be out of Government employ.

1. *Extract from Despatch from the Secretary of State, No. 87, dated 15th March 1883.*—"It appears to me that considerable misapprehension exists in India in regard to the meaning of the rule contained in *Article 198 of these Regulations* which was framed in analogy with the provisions of Statute 33, Geo. III, Cap. 52, s. 70, and which provides that after five years' continuous absence, whether with or without leave, an officer is considered to be out of Government employ. In cases like the present, it seems to be thought that this rule merely indicates the maximum amount of leave which, if not inconvenient to the Government, an officer may not unreasonably expect to have granted to him; whereas the intention of the rule is merely to fix a limit of leave which under no circumstances can be exceeded, and to which it is undesirable that any near approach should be made in any but very exceptional cases."

NOTE 1.—[This Article does not apply to officers transferred to Foreign Service in India.]

NOTE 2.—[The Government of India have the power to relax the rule in this Article in the case of officers who are lent to the Governments of Siam and Iraq.]

Recall from Leave.

199. An officer who is recalled to duty before the expiry of leave of any kind, if the return to duty is optional, is entitled to no concession. If the return to duty is compulsory, he is entitled—

- (a) if the leave from which he is recalled is out of India—
 - (i) to the concessions in Articles 8 (iii) and 1127 subject to the conditions and limitations specified therein; and
 - (ii) to leave allowances during the voyage to India; and for the period from the date of landing in India to the date of joining his appointment, to the joining time allowance which he would have drawn had he not been recalled but simply returned on the termination of his leave;
- (b) if the leave from which he is recalled is in India—
 - (i) to the concessions in Article 1127 subject to the conditions and limitations specified therein; and
 - (ii) to be treated (if the recall is from leave other than privilege leave) as on duty from the date on which he starts for

the station to which he is ordered but he is entitled until he rejoins his appointment to draw leave allowances only.

NOTE.—[All orders recalling an officer before the expiry of his leave should distinctly state whether the return to duty is optional or compulsory. Orders recalling an officer from leave out of India should be communicated to him officially through the Secretary of State.]

Employment during Leave.

200. A Government servant on leave may not take any service or accept any employment without obtaining the previous sanction of—

- ¹(a) the Secretary of State, if the proposed service or employment lies elsewhere than in Asia;
- (b) the Governor General in Council, if the proposed service or employment lies in Asia elsewhere than in India; and
- (c) the Governor General in Council or any lower authority empowered to appoint him, if the proposed service or employment lies in India.

Provided that a Government servant who has been granted permission to take any service, or accept any employment under this rule, during leave preparatory to retirement, shall be precluded, save with the specific consent of the Secretary of State in Council, or the Governor General in Council or any lower authority empowered to appoint him, as the case may be, from withdrawing his request for permission to retire, and from returning to duty.

NOTE.—This rule does not apply to casual literary work, or to service as an examiner, or similar employment. Nor does it apply to acceptance of foreign service during leave, which is governed by Article 761 of the Regulations.

SECTION II.—SERVICE QUALIFYING FOR LEAVE.

Service out of India.

200A. Time spent on duty in any part of Asia under Articles 85 and 85A counts for leave in the absence of special directions to the contrary. Time spent on duty in any other place out of India is not an interruption of service for leave, but it does not, without the special sanction of the Secretary of State, count as service for leave.

Temporary Service.

201. Temporary and officiating service, if it counts for pension, counts also for leave.

NOTE.—[The rules providing for the grant of leave to an officer who has a temporary or officiating appointment only are contained in Articles 242 and 320 (b).]

¹ Clauses (a) to (c) in this amended form take effect from the 23rd October 1939.

Probationers and Apprentices.

202. (a) An officer appointed as probationer for a certain period before formal appointment is entitled to the same leave as if he held a substantive appointment.

1. Officers appointed under contract in England on probation in view to permanent service in India are entitled to leave as follows :—

- (i) Officers appointed for three years or more (see Appendix No. 33), the same leave as if they held permanent appointments.
- (ii) Officers appointed for less than three years (see Appendix No. 33), privilege leave and, if necessary, furlough on medical certificate, not more than six months of such furlough carrying allowances.

NOTE 1.—[Officers appointed in England to posts created temporarily but with the prospect more or less definite, of their being eventually made permanent, are entitled to leave under clause (i) of this rule, if they are otherwise qualified.]

NOTE 2.—[Furlough under clause (i) or (ii) shall not be granted for a period extending beyond the term of an officer's contract unless or until it has been decided to retain him in permanent employment.]

NOTE 3.—[The Government of India have the power to revise Appendix 33 without reference to the Secretary of State.]

(b) Police probationers and temporary and officiating Assistant Superintendents of Police in all Provinces count their service as follows :—

- (1) If recruited in England—from the date on which they report their arrival in India.
- (2) If recruited in India under the orders in the Secretary of State's despatch No. 14, dated the 15th March 1894—from the date of assuming charge of their appointments.
- (3) If recruited in India before the date of the orders of 1894 mentioned in (2) above—from the date either of attaining the age of 20 years or of assuming charge of their appointments, whichever is later, provided that the service has been continuous.

(c) The service of—

- (1) Probationary, officiating and temporary Deputy Magistrate-Collectors and Sub-Deputy Collectors in Bengal, Bihar and Orissa and Assam,
- (2) Probationary, officiating and temporary Deputy Collectors in the United Provinces,
- (3) Probationary, officiating and temporary Extra Assistant Commissioners in the Punjab and Assam, and
- (4) Officiating and temporary Extra Assistant Commissioners in the Central Provinces,

counts for leave from the date on which all the three following conditions are fulfilled, namely,

- (a) two years' continuous probationary or officiating service as such has been rendered,
- (b) departmental examinations have been fully passed, and
- (c) the age of twenty years has been attained.

NOTE 1.—[The above conditions do not apply to Deputy Collectors and Sub-Deputy Collectors who began service in the Settlement Department on a temporary footing and were promoted to be probationary or officiating Deputy Collectors or Sub-Deputy Collectors in the provincial and subordinate civil services. Such officers are allowed to count for leave the whole of their continuous service from the date of their first appointment in the Settlement Department.]

NOTE 2.—[Condition (b) does not apply to Sub-Deputy Collectors in Bengal and Bihar and Orissa, who were appointed before the 4th July 1892 and exempted from the operation of the rules for Departmental Examinations laid down in Resolution No. 3111-A of the Government of Bengal, dated the 4th July 1892.]

NOTE 3.—[Sub-Deputy Collectors in Bengal and Bihar and Orissa who were appointed before the 4th July 1892, and were brought under the operation of the rules for Departmental Examinations laid down in Resolution No. 3111-A of the Government of Bengal, dated the 4th July 1892, shall be held to have passed their Departmental Examinations at a date calculated by taking the period of time between the 4th July 1892 and the actual date of passing the examinations as the time taken to pass after first appointment as an officiating Sub-Deputy Collector.]

203. (a) Service as an Apprentice does not qualify except in the following cases :—

Engineer or Examiner Apprentices, Qualified students of the Thomason College under practical training;	} in the Public Works or Railway Department.
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Assistant Superintendent Apprentices in the Indian Telegraph Department.

(b) Apprentice Overseers in the Public Works or Railway Department and Apprentice Permanent-way Inspectors on State Railways may be allowed leave on medical certificate on half pay subject, in the case of Military Apprentices, to the proviso that the leave allowance shall not be less than Military pay and allowances. An apprentice of either class counts his service as such for leave if on the termination of his apprenticeship he is appointed to the department.

Officers under Training.

203A. A Local Government may at its discretion decide, in the case of an officer who is selected to undergo a course of training, whether the time spent in training shall count as service qualifying for leave; and also whether or not such time shall be regarded as an interruption entailing forfeiture of leave already earned.

NOTE 1.—[The Local Government may delegate its power under this Article to Heads of Departments in respect of officers serving under them.]

NOTE 2.—[A Local Government may issue general orders under this Article in regard to any specified class of officers under training.]

Service under other Rules.

204. An officer transferred to an office to which these rules apply is not entitled to Long Leave under them in respect of service rendered in an office to which they do not apply. But service in the Army which under Article 356 counts towards Civil pension qualifies also for leave under Civil rules. Any leave taken by an officer during such service will in the calculation of future leave be treated as if it had been taken under these Regulations.

[1] NOTE 1.—[A Government servant paid from Military Estimates who is temporarily transferred to service paid for from Civil Estimates (including service in a tenure post) remains subject to the Rules which would be applicable to him but for his temporary transfer.]

NOTE 2.—[A Government servant paid from Civil Estimates and subject to the leave rules in the Fundamental Rules who is permanently transferred to service paid from Defence Services Estimates becomes subject to the leave rules in these Regulations as if they had applied to him *ab initio*. In calculating the leave due to him under these Regulations, the following procedure should be adopted:—

- (1) The leave on average pay up to four months which corresponds with privilege leave under these Regulations should be treated as privilege leave; the period of leave on average pay taken in excess of privilege leave which would have been admissible under these Regulations should be treated as furlough on average salary although the conditions for its grant may not have been fulfilled.
- (2) Leave on half average pay enjoyed under the Fundamental Rules should be treated as furlough under these Regulations. This leave will not be treated as an interruption of duty for the purpose of Article 246.
- (3) Any leave already enjoyed in excess of the leave which would have been due under these Regulations should be ignored.]

Service before Discharge, Resignation, or Dismissal.

205. (a) An officer who is discharged on reduction of establishment from, or resigns, the public service and is re-employed after an interval, cannot, without the permission of the authority sanctioning the re-employment, count his former service towards leave.

(b) An officer who is dismissed or removed from the public service and who is reinstated on appeal, cannot count his former service towards leave unless the authority who, on revision or appeal, reverses the order of dismissal or removal, declares that his former qualifying service shall count.

Private Secretary.

206. Service as Private Secretary to the Governor-General, a Governor or a Lieutenant-Governor qualifies for leave, provided that the officer (before his appointment as Private Secretary) belonged to the Civil Service (whether the Indian Civil Service or not), or to the Indian Army, or to any of the Indian Establishments of the British Army.

[1] Introduced with effect from the 4th February 1930.

207. After a continuous service of three years, a Private Secretary whose case is not provided for by the preceding Article, may be granted Leave on Medical Certificate to the extent of one year with a leave allowance equal to half his salary, and subject to a maximum of £1,000 a year.

Press Servants.

208. A Section-writer, or a Press servant, paid under the piece-work system, if granted leave, is not entitled to any allowance whatever during his absence.

Workmen of the R. I. N. Dockyard Bombay.

208A. Permanent workmen of the Royal Indian Navy Dockyard, Bombay, holding appointments, the status of which was brought into line with effect from the 1st January 1933, with that of posts held by permanent civilian officers in superior service, are eligible from that date for leave as admissible to the latter under these Regulations, subject to the condition that no substitute is engaged in place of workmen on leave except in rare cases and at the discretion of the Flag Officer Commanding, Royal Indian Navy.

Rule of Proportions.

209. The leave allowances of an officer not subject to the Foreign Service Rules (Part VII) who has served in any appointment the salary of which has been derived either wholly or in part otherwise than from Indian Revenues, is charged according to the Rule of Proportions.

SECTION III.—RETENTION OF APPOINTMENT.

Lien on Appointment.

210. An officer on Privilege leave has a lien on his substantive appointment; he has also a lien on his officiating appointment, so long as it is not resumed by an officer having a superior lien on it.

211. Except as provided in Article 212, an officer on furlough under the European Service Leave Rules or the Indian Service Leave Rules has a lien on his substantive appointment or on a substantive appointment of a like character and not less pay. He has no lien on an acting appointment.

212. A member of the Indian Civil Service or a Military officer subject to the Civil Leave Rules has no lien on any appointment during any period of furlough during which he is entitled to draw subsistence allowance only.

213. An officer, during joining time on return from long leave out of India, has or has not a lien on an appointment according as he has or has not such a lien on the last day of the leave immediately preceding the joining time.

214. An officer on leave may not surrender his lien on his substantive appointment, and, except as provided in Articles 89 and 90, a Local Government may not fill up substantially, even for a time, the appointment on which an officer has a lien, without transferring him to another substantive appointment which, save in cases of misbehaviour or inefficiency, must be one of not less pay than his standing in the regular line would justify.

215. Except as provided in Articles 202 (a) and 320 (b), an officer cannot obtain furlough unless he has a substantive appointment.

NOTE 1.—[A Military officer who has officiated continuously in the Civil Department for at least 3 years is an officer with a substantive appointment for the purposes of this rule.]

NOTE 2.—[A Military officer holding the appointment of Commandant or Adjutant of the Burma or Assam Police Battalions retains a lien on his appointment while on furlough under the Military Leave Rules to which he is subject.]

Compulsory Retirement.

216. If a Local Government decides, before an officer whom it has the power to remove from the service leaves India, that he shall not be permitted to return to duty in India, it should give notice to him before he leaves India, so that any remonstrance which he may wish to make may be considered on the spot by an authority fully cognizant of the facts of the case. Such notice should not be postponed until after the officer's departure, and then communicated to him through the Secretary of State.

217. If when an officer is going on leave out of India it is necessary to consider the propriety of removing him for incapacity, whether mental or physical, which is of such a nature that it is not possible to say before his departure from India, whether it will be permanent or temporary, or if for any reason it is considered inexpedient that an officer who is on leave should return to India, the Local Government should report the circumstances fully (in the case of the Government of Madras, Bombay or Bengal direct; otherwise through the Government of India) to the Secretary of State. A communication of this nature should not be made direct to the officer concerned. The report should be made in time to enable the Secretary of State to take any necessary measures before the officer would in ordinary course be permitted to return to duty, and in any case should reach the India Office at latest three months before the end of the officer's leave.

218. Articles 216 and 217 must not be understood to authorise the grant of Furlough to an officer who ought to be dismissed or removed from the service for misconduct or general incapacity.

Abolition of Appointment.

219. The abolition of the appointment of an officer absent on leave out of India should be immediately communicated to the Secretary of State.

SECTION IV.—COMMENCEMENT AND END OF LEAVE.

220. Ordinarily leave begins on the day on which transfer of charge is effected, or, if charge is transferred after noon, on the following day; similarly leave other than long leave out of India ordinarily ends on the day preceding that on which charge is resumed, or, if charge is resumed after noon, on that day. But if a Sunday or one or more gazetted holidays fall on a day immediately preceding that on which the leave begins, or on the day on which the leave or the joining time between two appointments ends, an officer may leave his station at the close of the day before, or return to it at the end of, such holidays, provided his departure or return does not involve—

- (i) the immediate transfer of an officer from or to another station or the loss of his appointment by an officer appointed temporarily to the service.
- (ii) the taking over of money, unless, subject to the condition that the departing officer remains responsible for the money in his charge, the Local Government specially allows transfer of charge to take place before or after the holidays.

If holidays are as above prefixed to leave, the leave and consequent rearrangement of allowances, if any, take effect from the first day after the holidays on which the office is opened for business, and if holidays are affixed to leave or joining time, the leave or joining time is treated as having terminated on, and the arrangement of allowances, if any, takes effect from the day on which the officer would have resumed charge had holidays not followed the leave or joining time.

In cases in which the application of the above rules as to prefixing and affixing holidays to leave is doubtful or inequitable, the Local Government shall decide which officer shall be held to have been in charge and to which the salary of the office for the Sunday or holiday shall be paid.

221. Long leave out of India ends on, and includes, the day before the arrival at the port where the officer last quits it of the vessel in which he returns, and joining time begins the day after.

NOTE.—[The day of arrival of the vessel in which the officer returns is the day on which the vessel reaches her moorings or anchorage in port.]

221A. Special rules have been laid down in Appendix 6A for reckoning leave in the case of officers stationed in certain remote districts outside India.

222. An officer taking Furlough out of India, whether by itself or in combination with Privilege leave, must report his embarkation through the Audit Officer, to the Local Government (or other authority) which granted his leave, and his arrival in England to the Secretary of State.

SECTION V.—RETURN TO DUTY.

NOTE.—[With the exception of Article 231, this Section applies to Military officers in Civil employ subject to the Military Leave Rules.]

Permission to Return.

223. (a) An officer may not, without the permission of the authority which granted him leave, return to duty more than fourteen days before the end of Long Leave.

(b) Officers returning to India at times other than those fixed for them by their own Government, are liable to be kept on subsistence allowance until a suitable vacancy occurs to which to post them.

224. An officer on Long Leave in Europe, North Africa, America, or the West Indies must, if the leave was granted or has been extended on account of ill-health, whether it be technically leave on medical certificate or not, satisfy the Medical Board at the India Office as to his fitness to return to duty. Ordinarily he must attend at the India Office for examination by the Board, but, in special cases, particularly if he be residing at a distance of more than sixty miles from London, a certificate in a form to be obtained from the India Office from two medical practitioners may be accepted. On the required evidence of fitness being furnished, the officer will receive from the India Office permission to return to India. An officer whose leave was not granted, and has not been extended, on medical grounds, does not require permission from the India Office to return to India. He must, however, take steps, either personally or through his agents, to obtain from the India Office a last-pay certificate, and should also inform the authority in India who granted him the leave, of the date on which he expects to return to duty, at least a month before he is due to arrive in India.

NOTE.—[An officer who has taken leave on medical certificate, or whose leave has been extended on medical certificate, should ordinarily appear before the Medical Board at the India Office or should furnish a certificate from two medical practitioners at least two months before the expiry of his leave. An officer who fails to do so, and who is not permitted to return to India within the period of his leave will ordinarily be charged with the cost of the telegram which will be sent to the authorities in India informing them of the extension of leave granted.]

225. (1) An officer who has taken leave in Asia on medical certificate may not return to duty until he has produced a medical certificate of fitness in the following form :—

We the members of a Medical Committee
Civil Surgeon of

I,
registered medical practitioner of
do hereby certify that we/I have carefully examined A. B. C. of the
.....department, and find that he has recovered from his illness and
is now fit to resume duties in Government Service. We/I also certify

that before arriving at this decision we/I have examined the original medical certificate(s) and statement(s) of the case (or certified copies thereof) on which leave was granted or extended, and have taken these into consideration in arriving at our/my decision".

(2) The original medical certificate(s) and statement(s) of the case on which the leave was originally granted or extended shall be produced before the authority asked to issue the above certificate. For this purpose the original certificate(s) and statement(s) of the case should be prepared in duplicate, one copy being retained by the officer concerned.

(3) If the officer is gazetted, the medical certificate should be obtained :—

- (i) where the total leave is for not more than three months, or where the total leave is for more than three months and the Medical Committee granting the original certificate or the certificate for extension of leave state at the time of granting of such certificate that the officer need not appear before any Medical Committee for obtaining a certificate of fitness,—from a Commissioned Medical Officer or a Medical Officer in charge of a civil station and

(ii) in all other cases—from a Medical Committee.

If the officer is not gazetted, the competent authority may, in its discretion, accept a certificate of fitness signed by any registered medical practitioner or require a certificate signed by such medical officer as the authority may direct.

(4) An officer who has taken leave in Asia on account of ill health but not on medical certificate, or elsewhere than in Asia, Europe, North Africa, America or the West Indies on account of ill health, whether on medical certificate or not may be required by the authority who granted the leave to produce, before he is permitted to return to duty, a medical certificate of fitness signed by such medical officer as the authority may direct.

226. An officer is not entitled, at the end of Long Leave, to resume, as a matter of course, without further orders, the particular appointment which he vacated before his leave. He should report his return to duty as prescribed in Article 228 and await orders.

Change of Appointment.

227. If the appointment of an officer is changed during Long Leave in India, he must join his new appointment within his leave. But if he have not had sufficient notice of the change, the Local Government may allow him joining time. During such joining time his allowances will be the same as for joining time on return from furlough out of India.

Report of Return.

228. A gazetted officer must report his return to duty to the Local Government under which he is employed. A member of the Indian Civil Service on the Bengal Establishment employed directly under the Government of India, returning from Long Leave, must also report his return to the Government of India in the Home Department.

Overstaying Leave.

229. An officer who remains absent after the end of his leave is entitled to no allowance for the period of such absence, and ceases to have a lien on any appointment,—

- (i) if his leave was Furlough without Medical Certificate,—immediately, and
- (ii) if it was Furlough on Medical Certificate or Vacation or Privilege Leave,—after a week. In the case of officers to whom exception (ii) under Article 251 applies, the week commences from the end of the fifteen days mentioned therein.

NOTE 1.—[This Article does not affect the liability of an officer overstaying leave to forfeit past service under the rule in Article 420 (b).]

NOTE 2.—[Short extensions of leave may be granted retrospectively in India to officers who under certain specified circumstances overstay their leave. See Article 299 (c).]

230. If the Local Government is satisfied that the default of an officer is due to circumstances beyond his control, it may exempt him from loss of appointment under the preceding Article, but not from loss of allowances during the period of his absence without leave. The Local Government may authorise the payment to an officer subject to the Indian Service Leave Rules of as much as it thinks fit of any joining time allowances to which he would have been entitled under Article 190B if he had not remained absent after the end of his furlough.

NOTE.—[The Local Government may delegate the power exercised by it under the first sentence of this Article to any subordinate authority in respect of officers to whom such authority is empowered to grant leave.]

231. So long as an officer retains a lien under Section III, or if he is exempted under the preceding Article from loss of appointment, absence after the end of his leave, though not counting as Continuous Service, does not operate as an interruption of Continuous Service or Continuous Active Service.

SECTION VI.—COMBINATION AND EXTENSION OF LEAVE.

232. The authority which has the power to sanction leave may—

- (1) grant to an officer any kind of leave admissible under these Regulations (including extraordinary leave without allowances) in combination with any other kind of leave so admissible;

- (2) grant to an officer any kind of leave admissible under these Regulations in continuation of leave of any other kind already taken;
- (3) commute the whole or any portion of any leave granted under these Regulations retrospectively into any other kind of leave which was admissible when the original leave was granted; and
- (4) commute retrospectively periods of absence without leave into leave without allowances (*see* Article 421).

1. Extraordinary leave without allowances cannot be converted retrospectively into furlough on medical certificate, but furlough may be given on medical certificate in continuation of extraordinary leave without allowances.

2. Leave granted to a Military Officer subject to the Military Leave Rules may be retrospectively commuted by the authority which granted it to any other kind of leave which the said authority would have been competent to allow when the original leave was sanctioned. When the privilege leave of such an officer is on medical certificate retrospectively changed for furlough out of India, so much of the leave passed before the departure of the vessel in which the officer sails may be treated as subsidiary leave under clause (1) of Article 321 (a) as it stood prior to 29th July 1920 as might have been granted as subsidiary leave if the officer had originally obtained furlough and not privilege leave, notwithstanding that a portion of such retrospective furlough has been passed in India.

233. (a) Except when furlough is extended on medical certificate or extraordinary leave is granted in continuation of other leave, the total leave enjoyed by an officer at one time shall not exceed two years. **[This period shall in no circumstances be exceeded by an officer who is on furlough preparatory to retirement].*

(b) The total period for which Military Officers in Civil employ who are subject to the Military Leave Rules may be absent from duty is regulated by the rules in Army Regulations and not by this Article.

NOTE.—*[Extensions of furlough, see Article 299.]*

SECTION VII.—LEAVE AFTER COMPLETION OF TERM OF SERVICE.

234. (a) The limitations affecting members of the Indian Civil Service, whose term of service is complete, are prescribed in Article 555. and those affecting Military Officers in Article 620.

(b) In the case of other officers the Local Government may grant on the attainment of 55 years of age such leave as is necessary for the purpose of breaking up establishments and proceeding to the port of embarkation or frontier town by which he quits the country; or in exceptional cases, when leave has been deferred in the public interest, may in its discretion grant leave extending to not more than 6 months beyond an officer's fifty-fifth birthday; or may grant leave for not more than six months in all to an officer who is being retained in the service

*[] Takes effect from 15th March 1937.

after the age of 55 years. The leave granted must be of a kind which is due and not in excess of the amount at credit.

Save as above stated, all leave expires on the date of attaining 55 years and no fresh leave may be granted.

1. In the case of an officer of the Persian or Persian Gulf Section of the Indo-European Telegraph Department, who proceeds *via* an Indian port, the words "port of embarkation" in clause (b) of this Article shall be read as meaning the Indian port.

235—240. *Cancelled.*

Chapter XII.—Short Leave.

SECTION I.—EXTENT OF APPLICATION.

241. The rules in this Chapter regulate the Short Leave of all officers in Civil employ (whatever may be the rules to which they are subject in regard to other leave) except :—

- (a) The Governor-General, Governors, Lieutenant-Governors, and Members of Council (see Chapter XXII).
- (b) Judges of High Courts (see Chapter XXIII).
- (c) Barristers holding the appointments referred to in Chapter XXIV except as stated in that Chapter.
- (d) Ecclesiastical officers appointed before 29th July 1906. But Articles 279 and 280 do apply (see Chapter XXVII).
- (e) Law officers, except as stated in Chapter XXXI.
- (f) State Railway Establishments, except as stated in Chapter XXXII.
- (g) Port Blair Police (see Chapter XXXIV).
- (h) Calcutta and Suburban Police Forces (see Chapter XXXVI).

Officers in charge of medical store depots remain subject to the leave rules, civil or military, under which they were serving at the time of their transfer to the Medical Store Department.

Temporary and Non-Continuous Service.

242. (a) An officer who has a temporary or officiating appointment only may be allowed Privilege leave, without losing his lien on such appointment, if no substitute is required, or if his duties can be provided for without additional expense.

(b) If such an officer is, without interruption of his service, appointed to a permanent office, his temporary or officiating service may be treated as duty qualifying for Privilege leave.

NOTE.—[This rule does not apply to the State Railway officers whose service is classed under clauses (c) and (d) of Article 659.]

243. Privilege leave is not allowed to an officer employed in an establishment the duties of which are not continuous, but are restricted to certain fixed periods in each year. (*See also Article 369.*)

Petty Military Officers.

244. Privilege leave may be granted under this Chapter to a Military Hospital Assistant temporarily lent to the Civil Department. A Hospital Assistant is not entitled to Privilege leave in respect of duty done in the Military Department.

Seamen.

245. An officer or seaman attached to a Pilot vessel at the Sandheads may, in addition to the Privilege leave admissible under this Chapter, be allowed one month's leave on shore, beginning on the date of his arrival at Calcutta, after four months' continuous duty at the Sandheads.

SECTION II.—PRIVILEGE LEAVE—ORDINARY RULES.

Amount earned.

246. The amount of Privilege leave earned by an officer is one-eleventh part of the time during which he has been on duty without interruption: Provided that no Privilege leave can be earned by an officer by duty performed while four months' such leave is due to him, and that, whenever duty is interrupted, all claim to Privilege leave earned theretofore is forfeited. Absence on Privilege leave, though not counting as duty, is not an interruption of duty within the meaning of this Article.

247. The calculation must be made as follows:—One calendar month for every eleven complete calendar months of duty, and one day for every eleven days of the balance.

Qualifying Service.

248. When an officer is first appointed to the public service, duty qualifying for Privilege leave does not begin until he takes charge of his office.

249. *Cancelled.*

250. (a) In calculating the Privilege leave of a Military officer no distinction should be made between an officer who has a substantive Civil appointment and one who is merely officiating in the Civil Department.

(b) The leave is earned by uninterrupted duty in either the Civil or the Military Department. But a Military officer who has taken in any calendar year the whole or a portion of the Privilege leave admissible to him for that year, under Military Rules, does not begin to count service for Privilege leave in the Civil Department until the first day of the following year.

Limit.

251. The amount of Privilege leave admissible at one time is limited to four calendar months.

Exception.—Officers stationed in the Andamans and Nicobars or Nepal; officers stationed in Persia at places such as Ahwaz and Kermanshah, and in the Persian Gulf or at Maskat and Baghdad, Gyantse or in Chumbi; Indian officers and men of the Assam Rifles stationed at Kohima, Aijal and Imphal; and European officers in Burma who take Privilege leave by itself and spend it out of Burma or India, are allowed, on each occasion when they may wish to take Privilege leave, the option between the following two courses, namely—

- (i) to accumulate Privilege leave up to four months and fifteen days;
- (ii) to overstay any Privilege leave due by fifteen days without forfeiting pay or appointment: Provided that, in the case of such overstay, the officer shall not begin to count service towards future Privilege leave until he shall have served a period of time proportionate to the amount of overstay,—that is, eleven times the period of overstay.

Amount due.

252. The Privilege leave due to an officer is the privilege leave which he has earned since the last interruption of duty, less the period during which he has been absent on Privilege leave.

Interruptions of Duty.

253. If an officer remains absent after the end of Privilege leave, his duty is interrupted within the meaning of Article 246. But if the Local Government considers that his default was due to circumstances beyond his control, it may remit the penalty.

NOTE.—[The Local Government may delegate its power under this Article to any subordinate authority in respect of officers to whom such authority is empowered to grant leave.]

254. If an officer remains absent after the end of Examination leave, or of Joining Time, the period of absence cannot count as duty qualifying for Privilege leave, and, unless the absence is accounted for to the satisfaction of the Local Government it is an interruption of duty.

NOTE.—[The Local Government may delegate its power under this Article to any subordinate authority in respect of officers to whom such authority is empowered to grant leave.]

255. (a) Leave under Articles 279 and 280 may, if the examination for which it is granted be successfully passed, and if the officer has not already had twelve months' leave under that Article, count as duty qualifying for Privilege leave.

(b) Leave under Article 281 may also count as duty qualifying for Privilege leave if the examination for which it is granted is successfully passed.

(c) Examination leave does not interrupt duty.

256. Hospital leave under Articles 287, 288, 288A and 291 and leave on medical certificate under Articles 661 and 663 are not interruptions of duty.

257. Suspension from office as a penalty for misconduct is an interruption of duty.

258. Suspension from office pending enquiry into an officer's conduct interrupts duty or not as may be decided in each case by the authority having power to pass final orders in the case. Time passed under suspension does not qualify for Privilege leave, unless, in any case, such authority expressly orders that it shall so qualify.

259. "Leave in India" under Rule 1 of the Leave Rules for the Indian Army is an interruption of duty.

Condition of Grant.

260. Subject to the exigencies of the public service, an officer may be granted the whole or any part of the Privilege leave due to him.

1 260A. Privilege leave may be granted under this Chapter to an officer in inferior service so far as it can be done without imposing any cost upon the State. The absentee allowance of the substantive incumbent must not exceed what remains from his pay after provision is made for the efficient discharge of his duties during his absence except when, in the resultant acting arrangements, an officer who has no substantive appointment is given more than half the pay of the appointment in which he acts, in which case the excess over half pay granted to him may, at the discretion of the local Government, be disregarded altogether in calculating the sum available for the leave allowance of the absentee and the acting allowances paid in consequence of his absence.

NOTE.—[The local Government may delegate its power under this Article to Heads of Offices and Departments.]

Leave Allowances.

261. Except as provided in Articles 266, 271 and 275, an officer on Privilege leave is entitled to a leave allowance equal to the salary which he would receive if he were on duty in the appointment on which he has a lien, and he is entitled to this allowance even though another officer be appointed to act for him.

NOTE 1.—[The term salary in this Article includes a duty allowance attached to the appointment on which the officer has a lien.]

NOTE 2.—[An officer on Privilege leave may draw a deputation (duty) allowance provided that he would have continued to draw the allowance had he not proceeded

¹ Takes effect from the 17th October 1934.

on leave and that it is intended that he shall return to the special temporary duty at the end of the leave.]

262. Cancelled.

263. An officer who has no lien on an appointment is entitled, during Privilege leave,—

(i) in the case of a member of the Indian Civil Service or a Military officer subject to the Civil Leave Rules—to Subsistence allowance;

(ii) in the case of any other Civil officer—to no allowance.

Exception.—Officers of the Indian Medical Service who have rendered not less than 3 years' officiating service but have not yet been confirmed in a civil appointment may draw, during Privilege leave, when they have no lien on any appointment, the allowances that would be admissible under the military leave rules.

264. Cancelled.

265. If an officer, on transfer from one appointment to another, obtains Privilege leave without joining his new office, his leave allowance shall not be less than it would have been if he had joined his new office before taking leave, provided that the rate of pay attached to the new appointment is not different from and higher than the rate of pay attached to the old appointment. Where, however, the transfer involves an increase in the officer's duties or responsibilities, and is to an office on a different and higher rate of pay from that drawn by the officer in the old office, the officer shall not draw the higher rate of salary until he actually joins his new office.

Example.—The rate of pay drawn by a Collector and by an Accountant General is different from and higher than the rate of pay drawn by a Joint Magistrate or by an officer in Class I of the Indian Finance Department respectively.

266. An officer who holds an appointment of the kind specified in Article 76-B sanctioned for not more than six months is not entitled, during Privilege leave, to the special rate of pay of, or any special allowance attached to, the appointment.

Local Allowances or Deputation (Local) Allowances how affected.

267. (1) A local allowance attached to an appointment may not be drawn by an officer on Privilege leave unless he has a lien on the appointment, and

(2) A deputation (local) allowance drawn by an officer before going on Privilege leave may not be drawn by him during the leave unless he would have continued to draw it had he not proceeded on leave and unless it is intended that he should return to the special temporary duty at the end of the leave.

268. Provided that the conditions laid down in Article 267 are fulfilled,—

(a) The house rent attached to his appointment may be drawn by an officer on Privilege leave if he places his house at the

disposal of the officer, if any, who officiates for him. The officiating officer cannot in such cases draw the house rent attached to the appointment. But if the officiating officer for a reason which the Local Government considers sufficient refuses the accommodation placed at his disposal, the allowance is to be drawn by him and not by the absentee.

Exception.—This rule does not apply to the Calcutta, Bombay and Rangoon House-Rent Schemes, which are governed by special rules.

- (b) A local allowance given on account of the expensiveness of the locality or duty may be drawn by an officer on Privilege leave if the officer continues to incur the expenditure to meet which the allowance was sanctioned. The fact that the expenditure continues during Privilege leave should be certified in writing by the officer himself if he is a gazetted officer, by the head of the office in the case of a non-gazetted officer and by the immediate superior in the case of a non-gazetted officer who is himself the head of an office.
- (c) Any other local allowance may be drawn by an officer on Privilege leave under rules framed by the Local Government.

NOTE 1.—[The local allowances known as Burma, Assam and Baluchistan allowances and the local allowances drawn by certain Executive and Assistant Engineers in Sind, the Punjab and the North-West Frontier Province, may continue to be drawn by officers on Privilege leave, provided that the grant of leave does not necessitate the transfer within the limits of the Province of an officer from outside the Province. For the purposes of this rule the Punjab and the North-West Frontier Province whose Irrigation Departments are manned from a single cadre may be regarded as one Province.]

NOTE 2.—[Provincial Forest officers and Executive officers serving in the Andamans who are recruited from Burma draw their local allowances while on Privilege leave.]

269—270. *Cancelled.*

SECTION III.—GRANT OF PRIVILEGE LEAVE TO OFFICERS ENTITLED TO REGULAR VACATIONS.

271. Privilege leave is not admissible to officers serving in departments in which regular vacations are allowed, during which the officers are permitted to be absent from duty, as Judicial Officers (other than District and Sessions Judges), Educational Officers, Officers in a High Court. But in case of urgent necessity and subject to the exigencies of the public service, Privilege leave may be granted to any such officer under the ordinary rules, provided that the officer shall during his

absence receive only half the salary and allowances ordinarily admissible during Privilege leave.

NOTE.—[The rule in this Article does not apply to the Judicial Commissioners and Additional Judicial Commissioners of Oudh, Sind and the Central Provinces in cases where the conditions of Note 1 to Article 277 are satisfied.]

272. The preceding Article does not apply to an officer who is by general or special orders issued by competent authority prevented in any year from availing himself of the vacation or vacations by reason of his having to remain at his post on duty. To such an officer Privilege leave may be granted under the ordinary rules.

NOTE.—[In the case of every officer to whom Articles 271 and 272 apply, the presumption is that he will avail himself of the vacation. No certificate of title to Privilege leave, except the leave "in case of urgent necessity" under Article 271, can be given for the period of service rendered between two vacations, until the second vacation expires. If, however, the conditions required by this Article or by Article 273 to render an officer eligible for Privilege leave under the ordinary rules are subsequently fulfilled in respect of the second vacation, any Privilege leave which may have been granted on half salary under Article 271, in consequence of the presumption that the officer would avail himself of the vacation, may be commuted into Privilege leave on full salary. Privilege leave on full salary may be combined with Privilege leave on half salary, to the extent due, granted under Article 271.]

273. An officer whose work requires him to be present at his station for a portion of the vacation is eligible for Privilege leave under the ordinary rules, provided he has not been absent from his station except on duty for more than fifteen days of the vacation. If he has been absent for more than fifteen days except on duty, his title to Privilege leave is regulated by Articles 271 and 274. Any such officer applying for Privilege leave must attach to his application a certificate either—

- (i) that he was not absent from his station for more than fifteen days or
- (ii) that he was absent from his station for a specified number of days exceeding fifteen,

in any of the vacations included in the period of service by which the Privilege leave claimed has been earned.

274. An officer who is, by general or special orders issued by competent authority, prevented from availing himself of a part only of a periodical vacation, may, during Privilege leave subsequently taken, draw his full salary for a period bearing the same proportion, if the vacation be annual, to a month, or if it be half-yearly, to half a month, as the time spent on duty during the vacation bears to the whole vacation.

275. An officer transferred from a non-vacation to a vacation department can take the Privilege leave which was at his credit at the time of such transfer: provided that the allowances during such Privilege leave shall not exceed the allowances which would have been admissible if he had taken the leave immediately before being transferred.

276. (a) An officer transferred from a vacation to a non-vacation department counts his service for Privilege leave under the ordinary rules from the date on which the last vacation in the former department ended.

(b) If, however, he had at his credit at the time of his transfer any Privilege leave on full salary admissible to him under Articles 272 to 275, the amount of such Privilege leave shall be added to the Privilege leave calculated under clause (a) above.

276A. The reckoning under Articles 275 and 276 shall not in any case extend backwards over an interruption of duty.

277. The foregoing rules do not apply to District and Sessions Judges : to them Privilege leave is granted under the ordinary rules.

NOTE 1.—[The rule in this Article has been extended to the Judicial Commissioners, and Additional Judicial Commissioners of Oudh, Sind and the Central Provinces for such time as the Court of the Judicial Commissioners in each case consists of not less than three Judges and provided the Court's annual vacation does not exceed one month.]

NOTE 2.—[The provisions of this Article also apply to Sessions and Subordinate Judges in the United Provinces and to Assistant Judges with full powers and Joint and Additional Sessions Judges in the Bombay Presidency.]

278. Officers, whose Privilege leave is regulated by the rules in Articles 271, 272, 273, 274, 275 and 277, may combine vacation with Privilege or other leave [whether taken by itself or combined under Article 232 (1)] either at the beginning or end thereof. Provided that :—

- (1) No additional expense is incurred by the State for the period of the vacation;
- (2) Vacation is not both prefixed and suffixed to leave; and
- (3) When vacation is taken in conjunction with Privilege leave, whether taken by itself or in combination with other leave, the total period of Privilege leave and vacation should not together exceed four months.

1. Proviso (3) is not applicable to officers coming under Article 277, when vacation is combined with Privilege leave taken by itself.

SECTION IV.—EXAMINATION LEAVE.

279. In cases not specially provided for in this Section, permission to appear at an optional examination prescribed by Government in any of the Oriental languages carries with it the grant of joining time (excluding the time allowed for preparation) to and from the place of examination, besides leave for the day or days of examination.

280. (a) A candidate for the High Proficiency and Degree of Honour examinations in all vernacular languages may, at the discretion of the Local Government, be granted study leave up to three months before the examination.

(b) A candidate for a reward by the Higher Standard or High Proficiency in Sanskrit, Arabic or Persian may be allowed leave for a period not exceeding three months if he undertakes to spend it in study under professional tuition at any place approved by the Local Government.

(c) An officer who is a candidate for the Degree of Honour in Sanskrit, Arabic or Persian may be allowed either leave for a period not exceeding three months under clause (b), or if he leaves India for study, leave for six months to Persia for Persian, or for six months to Arabia, Mesopotamia, Egypt and Syria for Arabic, or for six months to any place approved by the Local Government for Sanskrit. Officers of the Political Department of the Government of India may be granted this leave even when they are candidates only for the Higher Standard or High Proficiency test in Arabic or Persian.

NOTE.—[Leave under clause (a), (b) or (c) is not admissible more than once; nor can such leave be combined.]

(d) Leave under this Article may be combined with Privilege leave, provided that Privilege leave prefixed to leave under clause (c) must be spent in or in travelling to, one of the countries mentioned in the clause.

(e) An officer on leave under this Article has a lien on his appointment, substantive or officiating, and is entitled to leave allowances, as if he were on Privilege leave, for an aggregate maximum period of twelve months.

NOTE.—[An officer serving in a department in which regular vacations are allowed is entitled, during examination leave, to a leave allowance equal to the salary which he would receive if he were on duty in the appointment on which he has a lien.]

281. An officer of the Burma Commission, who has passed an elementary examination in Chinese, and is a candidate for the reward of Rs. 2,000, may, on condition that the leave must be spent in China, be granted leave, on Privilege leave allowances, to China for fifteen months, for the purpose of studying the Chinese language. This leave may be affixed or prefixed to (1) Privilege leave, (2) Furlough or (3) Privilege leave and Furlough combined under Article 282, provided that in the case of (2) and (3) the whole period of absence shall not exceed two years, exclusive of any joining time taken at the end of Furlough. But Privilege leave cannot be allowed in continuation if the officer fails to pass the examination.

Such leave can be granted only once to any officer.

NOTE.—[Leave granted under Articles 280 and 281 covers the whole period of absence from regular duty, including the day or days of examination and the time spent in proceeding to and from the place of examination. The leave cannot be taken in instalments.]

282. Except as provided in Articles 280 and 281, no kind of leave, except Furlough on medical certificate, may be granted in continuation of Examination leave.

283. The rules in this Section apply to Military officers subject to the Military Leave Rules serving in any Civil Department other than

the Public Works, Railway, the Survey of India and Forest Departments, to which Departments they are not applicable.

Departmental Examinations.

284. (a) An officer while absent from his office or from his station to attend an obligatory Departmental Examination, or (in the Punjab) an examination in Pushtu or Baluchi, is considered to be on duty.

(b) Leave may not be given under this Article to an officer to prepare for examination, or for recreation after examination. A reasonable time, including the day or days of examination, should be allowed for the journey to and from the place of examination, and nothing more.

285. An officer permitted to present himself at any examination which must be passed before a person is eligible for a higher subordinate appointment in any branch of the service, such as a Deputy Magistracy, may, under the orders of his immediate departmental superior, be allowed leave of absence for the number of days actually necessary to enable him to attend at the examination. During this short absence, no deduction will be made from the officer's allowances, unless the head of the office finds such deduction necessary to enable him to make arrangements for carrying on the work. Such leave should not be allowed more than twice for each standard of examination.

286. *Cancelled.*

SECTION V.—HOSPITAL LEAVE.

Jail Warders, Postal Officers, Peons and Guards.

287. A Warder of a Lunatic Asylum (except in Central Provinces and other provinces where the Local Government has extended the concession of Article 288 to this class of officers), Postman, Mail Carrier or Mail Coachman, or a Peon or a Guard in permanent employ whose case is not provided for in Article 288, while ill in hospital or dispensary, or receiving medical aid as an out-door patient of the hospital or dispensary of the station at which he serves, may, without reference to the allowance paid to his substitute, be allowed half pay for a period not exceeding six months altogether in any one term of three years, whether such leave be taken in one period or by instalments. The Director-General of Posts and Telegraphs and Postmasters General may grant full pay for three months to a Postman, Mail Carrier or Mail Coachman in exceptional circumstances, as, for example, if he is wounded by robbers or a wild animal, and may also, at his discretion, dispense with the condition requiring attendance at a hospital or dispensary. The Director-General may also grant leave on full pay in India for a period not exceeding six months to subordinates of the Railway Mail Service who may be injured in the execution of their duty, subject to the

conditions under which such leave is granted to State Railway employées by the Agents of State Railways under Article 665.

NOTE.—[The term "Peon" in this Article includes a process-server of that class.]

Police and Salt Department Officers.

288. A Police officer enrolled under any Act of the Legislature (not being a member of the Andaman and Nicobar Military Police) whose pay does not exceed Rs. 25, or if he be a member of the Madras, Bombay, Calcutta or Rangoon City Police Forces, Rs. 30, or an officer of the Northern India Salt Revenue Department, or of the Madras Salt and Abkari Department, or of the Customs Department in the out-ports and land customs stations in the Madras Presidency, or of the Bengal Excise and Salt Department, or of the Bihar and Orissa Excise and Salt Department, or of the Bombay Salt and Abkari Departments (including officers of the Opium Preventive Service), whose pay does not exceed Rs. 20, or an orderly, warder or a head warder of the Jail Department, on a pay not exceeding Rs. 35 a month in Burma or Rs. 25 a month in any other province, or a head warder or warder of a Lunatic Asylum whose pay does not exceed Rs. 20 in the Central Provinces or in any other province where the Local Government extends the concession of this Article to this class of officers, or a matron of the Jail Department whose pay does not exceed Rs. 20 a month, or a Forest subordinate (not being a clerk) whose pay does not exceed Rs. 25 a month if employed elsewhere than in Burma, the North-West Frontier Province and Baluchistan or Rs. 30 a month if employed in Burma or the North-West Frontier Province, or a Deputy Ranger employed in Baluchistan whose pay does not exceed Rs. 40 a month, may, while sick in hospital or while receiving medical aid as an out-door patient at the station or headquarters of the district in which he serves, be allowed, at the discretion of the sanctioning authority, leave of absence from duty for six months altogether in any period of three years. Such leave may be taken in one period or by instalments and may be followed by, or taken in continuation of, any other leave admissible under these Regulations. For the first three months of such leave the officer may receive full pay, and for the remaining three months half pay, without the restriction that no extra cost shall be imposed upon the State: Provided always that this concession shall be confined strictly to cases in which illness shall be certified not to have been caused by irregular or intemperate habits.

NOTE 1.—[An officer on leave under this Article may, for the first three months of such leave, during which full pay is admissible, retain any local or duty allowance attached to his appointment: Provided in the case of a local allowance that there is no *locum tenens* to whom it is payable.]

NOTE 2.—[Constables of the Bombay City Police and policemen in the Bombay Presidency while on leave under this Article may draw the house-rent allowance admissible to them, provided it is not paid to their substitutes.]

NOTE 3.—[This Article so far as it applies to head warders or warders includes both female and male warders.]

¹Female Officers.

¹288-A. Maternity leave of absence from duty may be granted on full pay by a local Government, or any subordinate authority empowered in this behalf whether by general or special order by a local Government, to female officers in the service of Government for a period which may extend up to the end of three months from the date of its commencement or to the end of six weeks from the date of confinement whichever be earlier.

¹288-B. Leave of any other kind may be granted in continuation of maternity leave if the request for its grant be supported by a medical certificate.

Marine and Military Establishments.

289. An Officer, Warrant or Petty officer, of the Indian Government seagoing, inland, or harbour vessels and hulks, is, in case of sickness or injury, ordinarily treated on board his vessel, and is entitled to full pay for a period not exceeding six weeks. If sent to a hospital, such an officer is, unless the disease or injury is certified by a responsible Medical Officer to have been caused by an offence such as malingering, wilful maiming, wilful aggravating of disease or injury, drunkenness, etc., committed by him, entitled to full pay for a period of six weeks, inclusive of any time passed on board his ship sick-quarters. Time thus spent in ship sick-quarters or in hospital on shore, up to a period of six weeks, is not an interruption of duty within the meaning of Article 246. An officer of the Marine Department who holds a shore appointment is not entitled to this concession.

NOTE.—[The provisions of this Article apply to the crew of the Indo-European Telegraph Department Steamer.]

290. A seaman disabled while in the discharge of duty may be allowed pay at harbour rates for a period not exceeding three months, provided that the injuries from which he is disabled are certified to by a Government Medical Officer, and are not owing to the seaman's own carelessness or inexperience, and that the vacancy caused by his absence is not filled up.

291. An Engineer of the Marine Department, an employé in a Government Press, a subordinate employé (including a temporary or extra employé) in an Ordnance or Government Dockyard establishment, a syce, whether permanent or temporary, in charge of a Government stallion, or a public servant in a Commissariat establishment may, during absence from work on account of injuries received in the course of his duty, be allowed full pay for one month, and thereafter half pay for three months: Provided that in the case of a person to whom the Workmen's Compensation Act, 1923, applies, the grant of leave under

¹ The word "Educational" deleted from the heading to Article 288-A and this Article replaced by the existing Articles (288-A and 288-B) with effect from the 4th March 1930.

this Article shall be subject to the condition that the leave allowance payable shall be reduced by the amount of any compensation payable under Section 4 (1) D of the said Act.

292. *Cancelled.*

Hospital Servants, Madras and Bombay.

293. Half pay for a period not exceeding six months altogether in any one term of three years, whether the leave be taken in one period or by instalments, may be granted to the following hospital servants, during their absence on account of illness, without reference to the allowance paid to their substitutes, on production of a certificate declaring that the person concerned is an in-patient, and under treatment for a disease not the result of imprudence :—Ward attendants, Toties, Bearers, Cooks, Cook's mate, Cook's assistant mate, in the Presidency Town of Madras; and Ward attendants (including dispensary servants, and dressers), Cooks, Sweepers, Bhistis, Dhobis, in the Bombay Presidency.

Presidency Public Works Workshops. Madras.

294. Labourers in the Presidency Public Works Workshops, Madras, the Government Public Works Workshops at Dowlaishwaram and Bezwada, the Public Works Stores at Madras and in the Pumping Station at Divi, employed on daily wages, and labourers working under the Electrical Engineer to the Government of Madras whether paid on the daily or monthly wages system, provided that they are in regular employ and not merely casual labourers, when temporarily absent from work in consequence of injuries sustained on duty, may, on production of a medical certificate, signed by a properly qualified officer of Government, recommending their absence from work, be granted, under the special orders of the Superintendent or officer in charge, allowances not exceeding those sanctioned in Article 666 for labourers in State Railway Workshops.

SECTION VI.—DEPARTMENTAL LEAVE.

295. Departmental leave may be granted during the Recess by the Head of the Party or Office to which he belongs to—

- (i) a Native Surveyor or other subordinate in the Survey of India, or in the Traverse Survey Party of the Central Provinces, whose service is superior,—on half pay or less (payable on return to duty), or without pay;
- (ii) such of the Tindals, Mates, Khalasis, Jamadars, Chaprasis, Burkandazes attached to any Party or Office of the Survey of India or to the Traverse Survey Party in the Central Provinces, as the Head of the Party or Office may deem

it desirable to re-entertain for the ensuing season,—on allowances not exceeding half pay (payable on return to duty):

Provided always that the officer returns to duty when required by his superior officers.

1. Superintendents in charge of Survey circles and the Superintendent of the Trigonometrical Survey may at their discretion and in the interest of Government grant departmental leave, not exceeding six months at a time, to officers mentioned in clauses (i) and (ii) at times other than the Recess; and the Surveyor-General may in special cases extend any departmental leave granted under this Article or under this rule to a period not exceeding one year in all. Particular care should, however, be taken that the grant of departmental leave in such cases does not override the provisions of Chapter XIV of these Regulations, and in all cases where an extension of the departmental leave is asked for on a medical certificate, the entire absence should be converted into leave under that Chapter.

2. This Article does not apply to the establishments attached to the Head Quarters Offices, Calcutta and Dehra Dun.

3. The establishments of the Bengal and Bihar and Orissa Survey Departments employed purely on field work may be granted leave under this Article on the same conditions as similar officers of the Survey of India.

296. Privilege leave may not be granted to an officer who is entitled to departmental leave under the preceding Article, but a Lower Subordinate in the Survey of India, or in the Traverse Survey Party of the Central Provinces, a menial in the Survey of India, or a Lower Subordinate or menial in the Bengal and Bihar and Orissa Survey Departments employed purely on field work, who is prevented from availing himself of departmental leave, may be allowed to take Privilege leave under the ordinary rules, service towards such leave counting from the date of return from departmental leave. Privilege leave will not be granted except upon a certificate, from the Head of the Party or Office to which the officer is attached, that he was prevented from availing himself of departmental leave in consequence of the exigencies of the service.

Chapter XII-A.—Long Leave—General Rules.

SECTION I.—EXTENT OF APPLICATION.

297. The rules in this Chapter apply to all officers subject to the rules in Chapters XIII and XIV.

298. *Omitted.*

SECTION II.—EXTENSION OF LEAVE OUT OF INDIA.

299. (a) An officer absent on long leave in Europe, North Africa, America or the West Indies, who wishes to have his leave extended or commuted, must apply to the Secretary of State about three months before the expiration of his leave, and, unless the extension is desired on medical grounds, or is for a period of not more than 14 days, he must produce with his application evidence that the Local Government has

been referred to by him and has no objection to the extension or commutation desired.

If on medical grounds the officer desires an extension for more than 14 days, he must satisfy the Medical Board at the India Office of the necessity for the extension. If application for extension be delayed until the last two months of leave, advice of any extension granted for a period of more than seven days will be sent to India by telegraph and the cost of the telegram will ordinarily be charged to the officer.

If the officer has been granted furlough on medical certificate and desires an extension on grounds other than medical, he must satisfy the Medical Board as prescribed in Article 224 that he has recovered his health. Any such extension without medical certificate will only be admissible if the extension was due at the time the original furlough was granted.

1. In the case of a Commissioned Medical Officer the Local Government should make a reference to the Director-General, Indian Medical Service, before granting the permission.

(b) The Secretary of State reserves to himself the power of granting extension or commutation of leave to an officer in any case in which it appears to him that sufficient ground has been shown for the application being made without the previous approval of the Local Government, but in the event of it being found necessary by the Secretary of State to telegraph to India in regard to any such application, the cost of the telegrams to and from India will be charged to the applicant.

NOTE.—[The Secretary of State in granting extension of leave sometimes declines to guarantee retention of appointment, if there is no time to communicate with the Local Government in India.]

(c) The authority in India, by which the leave was originally granted, is empowered, in any case in which it is satisfied that the non-return of an officer within the period of his leave was due to circumstances beyond his control and of such a nature that an application to the Secretary of State for an extension was impossible before embarkation, or that non-return was for administrative convenience, to sanction retrospectively extension of furlough or leave up to a maximum period of 14 days. It is also empowered in the case of an officer returning from furlough on medical certificate to sanction an extension, if the circumstances seem to require it, up to a maximum of 14 days inclusive of any short extension that may have been granted by the Secretary of State.

NOTE 1.—[Extensions of furlough up to a maximum of 14 days granted under this clause are not limited by the provisions of Article 233, and may be granted whether the furlough be due or not and in excess of the six months admissible under Article 302.]

NOTE 2.—[This Article applies to Military Officers subject to the Military Leave Rules.]

300. An officer on long leave in any place out of India not mentioned in Article 299 (a) who wishes to have his leave extended or commuted

must apply three months before the expiry of the leave to the authority in India which granted it. Whenever leave is extended or commuted under this Article, the fact should forthwith be notified by the Audit Officer to the Government of India in the Finance Department in order to its being communicated to the Secretary of State with a view to the payment by Colonial Treasurers of Staff Officers being checked.

NOTE.—[This Article applies to Military Officers subject to the Military Leave Rules.]

SECTION III.—FURLOUGH.

301. Subject to the provisions of Article 233, furlough for not more than two years at a time may be granted to an officer as follows :—

- (a) On medical certificate—unconditionally; see Articles 828 to 834.
- (b) Without medical certificate—subject to the condition that the furlough is “due”.

302. In respect of urgent private affairs, an officer may be granted furlough for a period exceeding the amount ‘due’ to him, provided that furlough which is not ‘due’ shall not be granted for a period exceeding 6 months at one time or 12 months in his whole service. An officer who has enjoyed furlough under this Article may not again be granted a furlough on the same condition until the furlough earned by him after his return to duty exceeds so much of the furlough granted under this Article as was not ‘due’.

303. If in the interests of the public service all applications for furlough cannot be complied with, the Local Government will have full discretion in deciding which should be granted, and in so doing it may take into consideration the following circumstances :—

- (1) The officers who can for the time being best be spared.
- (2) The furlough due to the various competing applicants.
- (3) The amount and character of the previous continuous active service that they have rendered.
- (4) The fact that an officer was compulsorily recalled from the leave last enjoyed by him.
- (5) The fact that an officer has been refused leave in the public interests.

304. (a) On medical certificate furlough may be extended to a total period not exceeding three years.

(b) Otherwise than on medical certificate furlough may be extended to a total period not exceeding two years, provided that—

- (i) when furlough is combined with other leave, the total period of leave granted shall not exceed two years, and
- (ii) the furlough granted under Article 302, which is 'not due', shall not exceed six months.

305. Notwithstanding anything in Articles 301, 302, 303 and 304, furlough which is not "due", whether on medical certificate or otherwise shall not be granted to an officer on furlough preparatory to retirement. In cases where an officer who has been granted, under the foregoing articles, furlough which is not due, applies for permission to retire voluntarily, the furlough which is not due shall, if permission be granted, be cancelled, and his retirement shall have effect from the date on which such furlough commenced.

SECTION IV.—EXTRAORDINARY AND CASUAL LEAVE.

306. (a) Subject always to the provisions of any Statute applicable to the case, the authority competent to grant leave may, in special circumstances and when no other kind of leave is by rule admissible, grant leave of absence from duty otherwise than under these Regulations : provided that :—

- (i) an officer absent from duty on leave so granted shall receive no absentee allowance; and
- (ii) if he is a member of the Indian Civil Service or a Military Officer subject to the Civil Leave Rules, he shall retain no lien upon any office except when the extraordinary leave does not exceed a fortnight.

(b) No officer is entitled to extraordinary leave, but subject to the provisions of Article 198, there is no limit to the length or frequency of leave under this Article.

1. The Local Government may for special reasons dispense with the ordinary condition that extraordinary leave can be granted only when no other kind of leave is by rule admissible.

307. A Military Officer subject to the Civil Leave Rules, who has exhausted the full period of furlough admissible to him under these Regulations and who is granted extraordinary leave on medical certificate, will continue to be treated as wholly in the Civil employ for all purposes, with the exception that, if the Medical Board at the India Office report that there is no prospect of the officer returning to duty within a reasonable period, he will be placed on Military half-pay. If an officer thus placed on half-pay is afterwards permitted to revert to the

effective list and returns to duty in India, he will not be entitled to be reinstated in Civil employment, but will be posted to Civil or Military duty as may be decided in India.

308. Articles 306 and 307 do not refer to casual leave for short periods. Such leave is not recognised and is not subject to any rule. Technically, therefore, an officer on casual leave is not treated as absent from duty, and his salary is not intermitted. Casual leave, however, must not be given so as to cause evasion of the rules regarding—

- | | |
|---|------------------------|
| (i) Date of reckoning allowances | } see Articles 52—55 |
| (ii) Charge of office | |
| (iii) Commencement and end of leave | } see Articles 220—231 |
| (iv) Return to duty | |

or so as to extend the term of Privilege or other leave beyond the time admissible by rule.

SECTION V.—QUARANTINE LEAVE.

309. Quarantine leave is leave of absence from duty necessitated by orders not to attend office in consequence of the presence of infectious diseases in the family or household of a Government servant or detention in plague camps on the way to rejoin duty. Such leave may be granted by the head of the office on the certificate of a Medical or Public Health Officer for a period not exceeding 21 days, or, in exceptional circumstances, 30 days. Any leave necessary for quarantine purposes in excess of this period shall be treated as ordinary leave. Quarantine leave may also be granted when necessary in continuation of other leave, subject to the above maximum. Except in the cases mentioned in the Note below, no substitute should be appointed in place of a Government servant absent on quarantine leave. A Government servant on quarantine leave is not treated as absent from duty and his pay is not intermitted.

NOTE.—[The Government of India or the Local Government may sanction a substitute for an absentee who is on quarantine leave and whose duties cannot be arranged for without prejudice to his pay; provided the absence does not exceed 30 days and the pay or salary of the absentee is not more than Rs. 100 a month.]

Chapter XIII.—Long Leave—European Services.

SECTION I.—EXTENT OF APPLICATION.

310. (1) All officers who are not hereinafter declared to be subject to the rules in this Chapter shall be subject to the Indian Service Leave Rules.

(2) The following officers shall be subject to the rules in this Chapter, namely :—

(a) Any officer having at the time of his appointment his domicile elsewhere than in Asia :

Provided that no such officer shall be entitled to the benefits of these rules who, prior to such appointment, has, for the purpose of his appointment to any office under the Government or of the conferment upon him by the Government of any scholarship, emoluments, or other privilege, claimed and been deemed to be of Indian domicile.

(b) Any officer having at the time of his appointment his domicile in Asia who was admitted to the benefits of these rules prior to the 24th July 1923.

(c) Any officer having at the time of his appointment his domicile in Asia, who, prior to the 24th July 1923, held substantively an appointment in any of the Departments enumerated below, provided that such an officer shall be admitted to the benefits of the rules in this Chapter only when he attains the rank or rate of pay shown against the particular entry relating to him :—

JUDICIAL DEPARTMENT.—(i) Judges (other than Chief Judges) and Registrars of Presidency Small Cause Courts; Presidency Magistrate; Legal Remembrancer and Secretary to the Legislative Council, Punjab, when these appointments are held by Barristers or Solicitors.

(ii) Registrar, Original Side, Calcutta High Court; Master and Registrar in Equity, Original Side, Bombay High Court; Prothonotary, Testamentary and Admiralty Registrar, Original Side, Bombay High Court; Deputy Registrar, Original Side, Madras High Court, when these appointments are held by Barristers or Solicitors.

POLICE DEPARTMENT.—Assistant Superintendents and officers of higher rank.

JAIL DEPARTMENT.—Inspectors-General and Superintendents of Central and Presidency Jails.

EDUCATION DEPARTMENT.—Principals of the following institutions :—Lawrence Military Asylum, Sanawar; Mayo College, Ajmer; Residency College, Indore; Government College, Ajmer; Rajkumar College, Rajkot.

BERAR COMMISSION.—Assistant Commissioners and officers of higher rank appointed by the Secretary of State, or with his particular sanction.

PORT BLAIR COMMISSION.—Assistant Superintendents and officers of higher rank.

ACCOUNTS DEPARTMENT (CIVIL)—

(a) Officers of the Indian Audit and Accounts Service, including members both of the late Enrolled List and of the late Superior Accounts Branch of the Public Works Department—

(i) if appointed in England by the Secretary of State;

(ii) if appointed otherwise, but drawing pay not less than Rs. 800 a month.

(b) Officers of the late Postal Accounts Department drawing pay not less than Rs. 800 a month.

MILITARY ACCOUNTS DEPARTMENT.—Officers appointed in England by the Secretary of State.

POSTAL DEPARTMENT.—Officers of higher rank than Superintendent.

OPIMUM DEPARTMENT.—Sub-Deputy Opium Agents and officers of higher rank.

SALT DEPARTMENT.—Assistant Commissioners and Assistant Collectors and officers of higher rank.

MINOR SCIENTIFIC DEPARTMENTS.—Civil officers of the Civil Veterinary Department and all other officers originally appointed to the public service by the Secretary of State or with his special sanction.

ARCHÆOLOGICAL DEPARTMENT.—Director-General, Epigraphist, and Superintendents of circles.

IMPERIAL CUSTOMS DEPARTMENT.—

(i) Officers appointed in England by the Secretary of State.

(ii) Other officers on pay of not less than Rs. 900 a month.

PUBLIC WORKS AND RAILWAY DEPARTMENTS.—

General.—Officers of the Engineer Establishment and the Superior Revenue Establishment of State Railways, appointed thereto by the Secretary of State or with his particular sanction.

Engineer Establishment.—Engineer officers of whatever rank in the Department, who belong to the Imperial Branch of the establishment, except those who were appointed in India as Natives of India.

Special Engineers (ungraded) who were taken over from the service of Guaranteed Railway Companies when the lines were transferred from the Companies to the Government, from the time they reach a substantive pay of Rs. 850 or over.

Superior Revenue Establishment of State Railways.—Officers whose pay is not less than Rs. 800 a month.

Government of India, Public Works Department Secretariat.—Under-Secretary not being a member of a graded establishment.

INDIAN TELEGRAPH DEPARTMENT.—The Imperial Branch of the Department.

INDO-EUROPEAN TELEGRAPH DEPARTMENT.—Officers of the graded establishment of Directors; Electrician; Superintendents and Assistant Superintendents.

Medical officers, if appointed by the Secretary of State.

The Commander, First and Second Officers, and Chief Engineer of the Cable Ship.

MARINE DEPARTMENT.—Constructors, Bombay and Kidderpore Dockyards.

MEDICAL DEPARTMENT.—Matron, Assistant Matron and the Nursing Sisters of the General Hospital, Rangoon, when recruited in England.

PRINTING DEPARTMENT.—Superintendents of Government Printing, India, Madras, Bombay, Bengal, United Provinces and Burma on pay not less than Rs. 800 a month.

OTHER OFFICERS.—The First Engineer and Shipwright Surveyor to the Government of Bengal; the Agent for Government Consignments, Calcutta; and the Superintendent of the Government Museum and Principal Librarian of the Connemara Public Library, Madras.

NOTE.—[The concession allowed by sub-clause (c) above is not admissible to an officer who attains such rank or rate of pay by reason of being promoted by selection from a subordinate service or post after the 24th July 1923.]

310A. (a) For the purpose of clause (2) of Article 310, the domicile of a person shall be determined in accordance with the provisions set out in the Schedule below :

Provided that a person who was born and has been educated exclusively in Asia and has not resided out of Asia for a total period exceeding six months shall be deemed to have his domicile in Asia, unless in the case of a person to whom the proviso in Sub-rule (2) (a) of Article

310 does not apply, it is proved to the satisfaction of the appointing authority that he did not have his domicile in Asia on that date.

(b) No Officer who, after his appointment to a service or post, acquires a new domicile shall thereby lose his right to, or become entitled to admission to, the benefits of these rules.

(c) If any question arises as to the domicile of any officer at the time of his appointment, the decision thereon of the Secretary of State in Council in the case of persons appointed by him, of the Governor General in Council in the case of persons appointed by him, or of the Local Government in the case of persons appointed by them, shall be final.

THE SCHEDULE.

Provision for the Determination of Domicile.

1. A person can only have one domicile.

2. The domicile of origin of every person of legitimate birth is in the country in which at the time of his birth his father was domiciled, or, if he is a posthumous child, in the country in which his father was domiciled at the time of the father's death.

3. The domicile of origin of an illegitimate child is in the country in which at the time of his birth his mother was domiciled.

4. The domicile of origin prevails until a new domicile has been acquired, and a new domicile continues until the former domicile has been resumed or another has been acquired.

5. (1) A person acquires a new domicile by taking up his fixed habitation in a country which is not that of his domicile of origin.

(2) Any person may, if the law of any country so provides, and subject to any such provisions, acquire a domicile in that country by making, in accordance with the said provisions, a declaration of his desire to acquire such domicile.

Explanation 1.—A person is not to be considered as having taken up his fixed habitation in a country merely by reason of his residing there in His Majesty's civil or military service or in the exercise of any profession or calling.

Explanation 2.—A person does not acquire a new domicile in any country merely by reason of residing as part of the family or as a servant of any ambassador, consul or other representative of the Government of another country.

6. The domicile of a minor follows the domicile of the parent from whom he derives his domicile of origin :

Provided that the domicile of a minor does not change with that of his parent if the minor is married or holds any office or employment in the service of His Majesty or has set up with the consent of the parent in any distinct business.

7. After marriage a woman acquires the domicile of her husband if she had not the same domicile before, and her domicile during the marriage follows the domicile of her husband :

Provided that if the husband and wife are separated by the order of a competent court or if the husband is undergoing a sentence of transportation, the wife becomes capable of acquiring an independent domicile.

8. Save as otherwise provided above, a person cannot during minority acquire a new domicile.

9. An insane person cannot acquire a new domicile in any other way than by his domicile following the domicile of another person.

311. An officer to whom the rules in this Chapter are applicable under sub-clauses (b) and (c) of Article 310 (2) does not forfeit his privileges upon transfer to an office which does not entitle him to the benefits of those rules.

SECTION II.—FURLOUGH.

312. The total amount of furlough admissible (a) to a member of the Indian Civil Service or a Military Officer subject to the Civil Leave Rules is six years and six months, and (b) to any other officer to whom these rules apply (see Article 310) is six years. All the rules in this part of the Regulations are subject to this limitation.

NOTE.—[The following leave under rules is counted as furlough under this Article :—

- (1) Furlough and special leave with allowances taken under the rules in force prior to 29th July 1920.
- (2) In the case of a Military Officer subject to the Civil Leave Rules, leave in and out of India with pay under the Leave Rules for the Indian Army, 1886.
- (3) In the case of an officer who becomes entitled to the rules contained in this Chapter after being subject to the Indian Service Leave Rules—all leave counting towards the maximum in Article 322.]

313. The amount of furlough 'earned' by an officer subject to the rules in this Chapter is one-fourth of the active service rendered by him while subject to such rules.

314. An officer, who becomes entitled to the rules in this Chapter after being subject to other Leave Rules, may add to furlough earned under Article 313 an amount of furlough in respect of his previous service calculated as shown below. Any minus result of the calculation may be neglected, while, in the case of an officer other than a Military

Officer subject to Civil Leave Rules, the maximum permissible addition is two years—

- ¹(i) The service for furlough of a Military Officer subject to the Civil Leave Rules who, before coming under the rules in this Chapter, was subject to the Leave Rules for the Indian Army or the British Army, shall be calculated in accordance with Article 313 retrospectively from the date of his arrival in India or from the date of his coming under the Indian Army Leave Rules or the British Army Leave Rules, whichever is later, except that service rendered out of India under the British Army Leave Rules shall not be taken into account for the purpose, *i.e.*, he shall be credited with furlough equivalent to one-fourth of his active service, as defined in Article 8 less any period of service rendered outside India under the British Army Leave Rules, reduced by any leave with pay in or out of India actually taken. The provisions of this clause apply to Royal Engineers in Civil employ who, while serving under British Army Leave Rules, either (a) have elected for continuous service in India, whether the election was made before or after their entry into Civil employment, or (b) have completed five years' Indian service and elect to come under Civil Leave Rules.

1. An officer of the Royal Engineers who has not elected for continuous service in India remains under British Army Leave Rules till he completes 5 years' Indian service.

NOTE.—[When a Military Officer becomes subject to the Civil Leave Rules, the Account Officer in charge of his record of pension service will, on application and on being furnished with the date of commencement of active service, furnish to the Audit Officer to whose audit he becomes subject, a memorandum showing the furlough earned, the different kinds of leave taken (distinguishing those which should be deducted from the *maximum* furlough admissible) and the balance of furlough due under Military Rules.]

- (ii) An officer who, after being subject to the Indian Service Leave Rules, becomes entitled to the rules contained in this Chapter, shall be credited with furlough equivalent to one-sixth of his active service rendered under the former rules less any leave actually taken under such rules which counts as furlough under Article 322.

NOTE 1.—[An officer who comes under the rules in this Chapter while he is on leave under the Indian Service Leave Rules may at his option—

- (a) change his leave allowances to the amount admissible under the European Service Leave Rules and come under them immediately, or
- (b) postpone his coming under them until his return from leave.]

¹ This amended first sentence of clause (i) of this Article has effect from 12th July 1932.

NOTE 2.—[If an officer who was at first subject to the Indian Service Leave Rules became prior to 29th July 1920 entitled to the European Service Leave Rules, or if an officer elects under Note 1 to Article 320 to remain under the old Indian Service Leave Rules and subsequently becomes entitled to the Leave Rules in this Chapter, the amount of furlough due to him in respect of his service under the Indian Service Leave Rules shall be calculated under Article 305 as it stood prior to 29th July 1920.]

315. The amount of furlough 'due' to an officer is the amount he has 'earned' diminished by the furlough and special leave with allowances taken under the rules in force prior to 29th July 1920 and by the furlough taken under these rules.

NOTE.—[In calculating the amount of furlough 'due' to a member of the Indian Civil Service or a Military Officer subject to the Civil Leave Rules, special leave taken under the rules in force prior to 29th July 1920 and furlough which was not 'due' granted under Article 302 may be disregarded subject to a maximum of six months in all.]

316. Whether such furlough be 'due' or 'not due,' an officer is entitled during the first two years of each separate period of furlough to a leave allowance equal to half his average salary, subject to the following limits :—

(a) In the case of a member of the Indian Civil Service—

- (i) if the leave is spent out of Asia, maximum £111 a month and minimum £55½ a month, or the salary last drawn by him on duty, whichever is less;
- (ii) if the leave is spent in Asia, maximum Rs. 1,111 a month and minimum Rs. 555 a month, or the salary last drawn by him on duty, whichever is less.

(b) In the case of a Military Officer subject to the Civil Leave Rules, the same maxima and minima as in the case of a member of the Indian Civil Service : Provided that, during furlough added under Article 314 (i) to the furlough earned under Civil Rules, the minimum shall (in the case of an officer who became subject to the Civil Leave Rules on or after the 1st April 1888) be that prescribed by the Military Rules to which an officer was subject immediately before coming under the Civil Leave Rules, and that in the case of an officer of the Royal Engineers, whose case is also governed by Article 314 (i), the minimum shall be the rate prescribed by the Leave Rules for the Indian Army, according to the length of his service for Indian pension. In the case, however, of an officer of the Royal Engineers, who was serving under British Army Leave Rules immediately before he became subject to the rules in this Chapter, the minimum for so much of the furlough credited under Article 314 (i) as has been earned by service in civil employment shall be at the rate of (1) £55½ a

month if the leave is spent out of Asia and Rs. 555⁵/₈ a month if the leave is spent in Asia—if he elected for continuous service in India before the 1st February 1898, (2) £55¹/₂ a month if the leave is spent out of Asia and Rs. 555⁵/₈ a month if the leave is spent in Asia or the salary last drawn by him on duty, whichever is less—if he elects to come under the Civil Leave Rules after completing five years' Indian service.

NOTE.—[A Military Officer in Civil employ, who is granted furlough on medical certificate in excess of the amount earned by him both under the Civil and Military rules, may be allowed the Civil minimum rate of leave allowance for the period of leave enjoyed in excess of the amount so earned; but such officer must exhaust all leave that he has so earned before he can be eligible for this concession.]

(c) In the case of any other officer subject to these rules—

- (i) if the leave is spent out of Asia, maximum £100 a month; no minimum, except as provided in Article 319;
- (ii) if the leave is spent in Asia, maximum Rs. 1,000 a month; no minimum, except as provided in Article 319.

Provided always that the allowances of an officer during leave shall in no case exceed his actual salary when he takes leave.

316A. An officer on furlough may be granted by the authority sanctioning the furlough a leave allowance equal to his full average salary, subject to the following conditions:—

- (a) Average salary will be granted during furlough for a total period not exceeding 1 year in an officer's whole service.

¹NOTE.—[See also Article 348-I(6).]

- (b) When an officer has taken furlough on average salary, he will be treated as having taken furlough on half average salary for twice the period actually taken on average salary except for purposes of Articles ²[234 (b) and] 408.

⁴NOTE.—[See also Article 348-I(6).]

- (c) The maximum period of furlough on average salary in each separate period of leave is 8 months.
- ³(d) The period during which an officer may draw during furlough average salary in lieu of the allowances ordinarily admissible should be so regulated that at the termination of the period he will still have not less than six months' furlough due to him; but this condition, except in the case of furlough taken on medical certificate, may be relaxed at its discretion by the authority granting the furlough. In the case of furlough taken on medical certificate the grant of furlough on average salary is subject to the further condition that its grant shall not operate to curtail

¹ Take effect from the 31st December 1929.

² [] Inserted with effect from 11th July 1921.

³ This revised clause takes effect from the 18th February 1930.

the actual period of leave recommended in the medical certificate.

- (e) The officer's average salary, if paid at the Home treasury of the Government of India or in a Colony where the standard of currency is gold, will be converted into sterling at the same rate of exchange as ordinary furlough allowances (*vide* Article 868). The average salary is subject to the following maximum limits :—
- (i) In the case of a member of the Indian Civil Service or a Military Officer subject to the Civil Leave Rules, £222 a month if the leave is spent out of Asia and Rs. 2,222 a month if the leave is spent in Asia.
- (ii) In the case of any other officer subject to these rules, £200 a month if the leave is spent out of Asia and Rs. 2,000 a month if the leave is spent in Asia.
- (f) Privilege leave to the extent due may be prefixed to furlough on average salary, subject to a maximum of 8 months for the two kinds of leave combined on each occasion of such combination.

NOTE.—[The maximum limit prescribed in this clause is applicable in cases falling under Article 278, in which furlough on average salary is taken in combination with vacation or vacation and Privilege leave.]

- (g) Furlough on half average salary may be granted in continuation of furlough on average salary or of combined Privilege leave and furlough on average salary.

317. After the expiry of the first two years of each separate period of furlough an officer on furlough is entitled—

- (i) if a member of the Indian Civil Service or a Military Officer subject to the Civil Leave Rules, to subsistence allowance;
- (ii) if an officer not in the Indian Civil Service or the Army, to £60 a month if the leave is spent out of Asia and Rs. 600 a month if the leave is spent in Asia, or to one-quarter of his average salary, whichever is less. In the case provided for in Article 319, quarter average salary is subject to the minima prescribed in that Article.

NOTE.—[In the case of officers drawing their leave allowances in India, the Government of India, in exceptional circumstances, may grant leave allowances under Article 316, and not under this Article, for any leave taken which is due under Article 315, even though it be in excess of two years.]

318. Whenever an officer whose appointment is not gazetted takes leave for not more than one month, or whenever such an officer's salary is less than Rs. 300, his pay (not salary) when he gives up office is to be treated as his average salary for the purposes of Articles 316, 316A and 317.

NOTE.—[For the purpose of this Article duty and deputation (duty) allowances are deemed to be included in pay and salary.]

319. The leave allowances of the officers referred to in Articles 316 (c) and 317 (ii) are subject to the following minima :—

If the leave has been granted or extended on account of ill-health—

<i>Half average salary.</i>	<i>Minima.</i>
If the leave is spent out of Asia	£33 a month, or $\frac{1}{4}$ ths of the salary last drawn on duty, whichever is less.
If the leave is spent in Asia	Rs. 333½ a month, or $\frac{1}{4}$ ths of the salary last drawn on duty, whichever is less.
<i>Quarter average salary.</i>	
If the leave is spent out of Asia	£16½ a month, or 37½ per cent. of the salary last drawn on duty, whichever is less.
If the leave is spent in Asia	Rs. 166½ a month, or 37½ per cent. of the salary last drawn on duty, whichever is less.

NOTE.—[The benefit of this Article is not admissible unless the following conditions are fulfilled.—

- (i) The leave is taken out of India, elsewhere than in Ceylon, Nepal, Burma or Aden.
- (ii) Leave out of India has either been recommended by a medical certificate or, if not so recommended, has been extended on medical certificate or commuted into furlough on medical certificate.]

Chapter XIV.—Long Leave—Indian Services.

SECTION I.—EXTENT OF APPLICATION.

320. (a) The rules in this Chapter apply to all officers holding substantive appointments on permanent establishments under Government, to whom neither the rules in Chapter XIII nor the special rules in Part V of these Regulations apply. They apply *fully* only to officers in superior service.

(b) An officer who has a temporary or officiating appointment only may be allowed—

- (i) Furlough on medical certificate for not more than three months at a time on half his pay or salary, if no substitute is required or if his duties can be provided for without additional expense;
- (ii) Extraordinary leave without allowances for not more than three months at one time.

NOTE 1.—[An officer who prior to 29th July 1920 was subject to the Indian Service Leave Rules as contained in Chapter XIV* as it stood prior to that date will remain under those rules unless and until he elects to substitute the rules in this Chapter. Such choice, once made, will be final. The officer is not debarred by this election from coming under European Service Leave Rules in Chapter XIII if by any rules or orders applicable to him he is entitled at some period of his service to come under those rules.]

* For facility of reference, Chapter XIV as it stood prior to 29th July 1920 is reproduced in the Annexure.

NOTE 2.—[Notwithstanding anything in Note 1, an officer who remains under the old Indian Service Leave Rules may, while on furlough out of India, Ceylon, Nepal, Burma or Aden or on furlough on medical certificate, be granted a leave allowance equal to his full average salary (or full pay as the case may be), subject to the conditions mentioned in Article 325A in this Chapter.]

321. Leave may, however, be granted under this Chapter to an officer in inferior service so far as it can be done without imposing any cost upon the State. The absentee allowance of the substantive incumbent must not exceed what remains from his pay after provision is made for the efficient discharge of his duties during his absence except when, in the resultant acting arrangements, an officer who has no substantive appointment is given more than half the pay of the appointment in which he acts, in which case the excess over half pay granted to him may, at the discretion of the Local Government, be disregarded altogether in calculating the sum available for the leave allowance of the absentee and the acting allowances paid in consequence of his absence.

1. The Local Government may delegate its power under this Article to Heads of Offices and Departments.

SECTION II.—FURLOUGH.

322. The total amount of furlough admissible to an officer to whom these rules apply is five years. All the rules in this part of the Regulations are subject to this limitation.

NOTE.—[Furlough and leave on medical certificate and on private affairs taken under the rules in force prior to 29th July 1920 count as furlough for the purpose of this Article.]

323. The amount of furlough 'earned' by an officer is one-sixth of the active service rendered by him.

324. The amount of furlough 'due' to an officer is the amount which he has 'earned' diminished by the furlough which he has enjoyed under these rules and the furlough and leave on medical certificate and on private affairs taken under the rules in force prior to 29th July 1920.

325. (a) Except as provided in clause (b), an officer is entitled during the first two years of each separate period of furlough, whether such furlough be 'due' or 'not due,' to a leave allowance equal to half his average salary and thereafter to one-quarter of his average salary.

(b) Whenever an officer whose appointment is not gazetted takes leave for not more than one month, or whenever such an officer's salary is less than Rs. 300 his pay (not salary) when he gives up office is to be taken in lieu of average salary.

Provided that the allowances of an officer during furlough shall in no case exceed his actual salary when he takes furlough.

NOTE 1.—[For the purpose of clause (b) of this Article, duty and deputation (duty) allowances are deemed to be included in pay and salary.]

NOTE 2.—[In the case of officers drawing their leave allowances in India, the Government of India, in exceptional circumstances, may grant leave allowances admissible under this Article during the first two years for any leave taken, which is due under Article 324, even though it be in excess of two years.]

325A. An officer ¹[other than an officer in inferior service] who proceeds on furlough out of India, Ceylon, Nepal, Burma or Aden, or takes furlough on medical certificate, ²[other than furlough preparatory to retirement], may be granted by the authority sanctioning the furlough a leave allowance equal to his full average salary, subject to the conditions laid down in clauses (a) to (g) of Article 316-A with the exception that average salary must not exceed the maximum limit of £150 a month if the leave is spent out of Asia and Rs. 1,500 a month if the leave is spent in Asia.

NOTE.—[In the case of officers who under clause (b) of Article 325 are entitled during furlough on half average salary to an allowance equal to half pay, the allowance during furlough under this Article shall be equal to full pay.]

326. (a) Half average salary is subject to the following maxima :—

(i) If the leave is spent in Asia, Rs. 750 a month.

(ii) If the leave is spent out of Asia, £75 a month.

(b) Quarter average salary is subject to a maximum of Rs. 600 a month if the leave is spent in Asia and £60 a month if the leave is spent out of Asia.

(c) In the case of non-gazetted officers whose salary is not less than Rs. 300, half average salary and quarter average salary are, except as provided in Article 327, subject to the following minima :—

Half average salary.

If the leave is spent in Asia Rs. 168½ a month.

If the leave is spent out of Asia £16½ a month.

Quarter average salary.

If the leave is spent in Asia Rs. 84½ a month.

If the leave is spent out of Asia £8 ⁷/₁₆ a month.

¹ Inserted with effect from the 17th October 1934.

² Inserted with effect from the 16th March 1937.

327. The leave allowances of the officers subject to the rules in this Chapter are subject to the following minima :—

If the leave has been granted or extended on account of ill-health—

<i>Half average salary.</i>	<i>Minima.</i>
If the leave is spent out of Asia . . .	£25 a month, or $\frac{2}{3}$ ths of the salary last drawn on duty, whichever is less.
If the leave is spent in Asia . . .	Rs. 250 a month, or $\frac{2}{3}$ ths of the salary last drawn on duty, whichever is less.

<i>Quarter average salary.</i>	
If the leave is spent out of Asia . . .	£12½ a month, or 37½ per cent. of the salary last drawn on duty, whichever is less.
If the leave is spent in Asia . . .	Rs. 125 a month, or 37½ per cent. of the salary last drawn on duty, whichever is less.

NOTE.—[The benefit of this Article is not admissible unless the following conditions are fulfilled :—

- (i) The leave is taken out of India, elsewhere than in Ceylon, Nepal, Burma or Aden.
- (ii) Leave out of India has either been recommended by a medical certificate or, if not so recommended, has been extended on medical certificate or commuted into furlough on medical certificate.]

328—348.—Cancelled.

¹ CHAPTER XIV-A—SPECIAL DISABILITY LEAVE.

348I. (1) Subject to the conditions hereinafter specified the Government of India or a Provincial Government may grant special disability leave to a Government servant who is disabled by injury intentionally inflicted or caused in, or in consequence of, the due performance of his official duties or in consequence of his official position.

(2) Such leave shall not be granted unless the disability manifested itself within three months of the occurrence to which it is attributed, and the person disabled acted with due promptitude in bringing it to notice. But the Government of India, if they are satisfied as to the cause of the disability, may permit leave to be granted in cases where the disability manifested itself more than three months after the occurrence of its cause.

(3) The period of leave granted shall be such as is certified by a medical board to be necessary. It shall not be extended except on the certificate of a medical board, and shall in no case exceed 24 months.

(4) Such leave may be combined with leave of any other kind.

¹ This new Chapter takes effect from the 31st December 1929.

(5) Such leave may be granted more than once if the disability is aggravated or reproduced in similar circumstances at a later date, but not more than 24 months of such leave shall be granted in consequence of any one disability.

(6) Special disability leave will count as service for pension or as 'active service' under Articles 549 (b), 561 and 573 of these Regulations, but it will not count as service for leave. It will not be regarded as interrupting service for leave under the ordinary rules, nor as diminishing the amount of such leave at the Government servant's credit, nor as part of the maximum leave admissible to him, except that leave on average salary taken under clause 7 (b) will be reckoned as furlough on half average salary against the total amount of furlough prescribed in Articles 312 and 322 and as furlough on average salary against the total period of such furlough prescribed in Articles 316-A (a) and 325-A.

(7) Leave allowances during such leave shall, subject to the maxima and minima prescribed in Articles 316, 316-A, 319, 325-A, 326 and 327, be equal—

(a) for the first four months of any period of such leave, including a period of such leave granted under clause (5) of this Article to average salary, and

(b) for the remaining period of any such leave to half average salary, or at the Government servant's option, for a period not exceeding the amount of furlough on average salary either by itself or in combination with privilege leave which would otherwise be admissible to him, to average salary.

(8) In the case of a person to whom the Workmen's Compensation Act, 1923, applies, the amount of leave allowance payable under this Article shall be reduced by the amount of compensation payable under section 4 (I) (d) of the said Act.

(9) The provisions of this Article apply to a civil servant disabled in consequence of service with a military force, if he is discharged as unfit for further military service, but is not completely and permanently incapacitated for further civil service, and to a civil servant not so discharged who suffers a disability which is certified by a medical board to be directly attributable to his service with a military force; but in either case any period of leave granted to such a person under military rules in respect of that disability shall be reckoned as leave granted under this Article for the purpose of calculating the period admissible.

348II. The Government of India may extend the application of the provisions of Article 348-I to a Government servant who is disabled by injury accidentally incurred in, or in consequence of the due performance

of his official duties or in consequence of his official position, or by illness incurred in the performance of any particular duty which has the effect of increasing his liability to illness or injury beyond the ordinary risk attaching to the civil post which he holds. The grant of this concession is subject to the further conditions—

- (i) that the disability, if due to disease, must be certified by a medical board to be directly due to the performance of the particular duty; and
- (ii) that, if the Government servant has contracted such disability during service otherwise than with a military force, it must be, in the opinion of the Government of India, so exceptional in character or in the circumstances of its occurrence as to justify such unusual treatment as the grant of this form of leave; and
- (iii) that the period of absence recommended by the medical board may be covered in part by leave under this Article and in part by other leave, and that the amount of special disability leave granted on average salary may be less than four months.

348III. (1) A Government servant who has been granted special disability leave under Article 348-I, and whose domicile is elsewhere than in Asia, may be granted by the authority which sanctioned the special disability leave, free passage by sea for himself, his wife, and children, to the United Kingdom, or to any port in Europe or in a British colony, dominion, or possession, and on the conclusion of such leave return passage to India, unless he takes leave other than leave on medical certificate in continuation of special disability leave, in which case return passage shall not be granted save with the special sanction of the Secretary of State in Council: Provided that the cost of any passages granted under this Article shall not exceed the cost of passages between India and the United Kingdom.

(2) Passages granted under this Article may include travel by land between port of embarkation and port of debarkation, and shall be of such class as the sanctioning authority in each case may determine.

(3) The Government of India may extend the application of the provisions of clauses (1) and (2) to a Government servant who has been granted special disability leave under Article 348-II, and whose domicile is elsewhere than in Asia, provided that they may, at their discretion, grant free passages to the Government servant only, or to the Government servant and his wife only.

(4) For the purpose of this Article—

- (i) the domicile of a Government servant is his domicile at the time of his appointment to Government service, as determined in accordance with the provisions of clause (2) (a) of Article 310 and of Article 310-A ;
- (ii) 'child' means a legitimate child (including a step-child) residing with and wholly dependent on the Government servant, who, if a female, is unmarried, or, if a male, is under the age of 16.

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PART IV.—ORDINARY PENSIONS.

Chapter XV.—General Rules.

SECTION I.—EXTENT OF APPLICATION.

348A. Every pension shall be held to have been granted subject to the conditions contained in Chapter XXI.

349. The conditions of service of officers of the following classes include special rules for pension which are laid down in the chapters noted against each, viz. :—

- (a) Judges of the High Courts (see Chapter XXIII).
- (b) Barristers, etc., holding the appointments specified in Article 547 (see Chapter XXIV).
- (c) Members of the Indian Civil Service (see Chapter XXV).
- (d) Ecclesiastical Officers (see Chapter XXVII).
- (e) Civil Engineers and Telegraph Officers (see Chapter XXX).
- (f) State Railway Establishments (see Chapter XXXII).
- (g) Bengal Covenanted Pilots (see Chapter XXXIII).
- (h) Police Officers drawing less than Rs. 20 a month (see Chapter XX).
- (i) Port Blair Police (see Chapter XXXIV).
- (j) Army Veterinary Officers of the Civil Veterinary Department (see Chapter XXIX).
- (k) Burma Military Police (see Chapter XXXVII).

349A. (1) The rules in Articles 404A, 465A, 474A and 475A apply to officers (other than Military Officers and members of the Indian Civil Service) appointed substantively to the services or the appointments specified below who—

- (a) joined their appointments after 29th August 1919, or
- (b) were in service on 29th August 1919 but have definitely elected in writing with the permission of Government to come under them.

N.B.—Officers who were appointed in England during the year 1919 should, for the purpose of this Article, be treated as in service on the 29th August 1919, even if they joined their appointments after that date.

These rules in the case of officers subject to them replace the rules in Articles 403, 404, 465, 474 (b), 475, 476 (c), 623, 641 (c), 642 and 643 :—

The Agricultural Department—Indian and Provincial branches.

The Civil Veterinary Department—officers of and above the rank of Deputy Superintendent.

The old clause (d) of Article 349 relating to Statutory Civil Servants was deleted and subsequent clauses renumbered by the Governor General in Council.

- The Customs Department—Collectors and Assistant Collectors.
- The Educational Department—Indian and Provincial Services.
- Principal and Assistant Masters recruited by the Secretary of State for service at the Prince of Wales' Royal Indian Military College, Dehra Dun.
- Inspectors of the Factory, Boiler and Smoke Nuisances Department in Bombay, of Factory and Boiled Inspection Departments in other provinces and of the Smoke Nuisances Department in Bengal.
- The Indian Audit and Accounts Service—officers of and above class II; Assistant Accounts Officers and Assistant Audit Officers in pensionable service; and the Assistant Examiner of Press Accounts.
- The Military Accounts Department—officers of and above class II; Deputy Assistant Controllers (including Deputy Assistant Military Accountants General).
- The Forest Department—Imperial Service and Provincial Officers of and above the rank of Extra Assistant Conservator.
- The Geological Survey of India—officers of rank equal to or above that of Assistant Superintendent.
- The Provincial Civil Service—Executive and Judicial.*
- The Land Records (Burma) Department—officers of and above the rank of Assistant Superintendent.
- The Medical Department—Civil Surgeons and Civil Assistant Surgeons, Professors of Medical Colleges and Chemical Examiners.
- The Indian Mines Department—Inspectors.
- The Mint and Assay Department—Masters and Deputy Masters.
- The Police Department—officers of the Indian Police, and Deputy Superintendents.
- The Indian Posts and Telegraphs Department—
Officers of or above the rank of Superintendents of Post Offices and of gazetted Deputy and Assistant Postmasters;

* For this purpose this term includes the following :—

Deputy Collectors, Sub-Judges and District Munsiffs in Madras; Deputy Collectors and Magistrates, Judges of the Small Cause Court, Subordinate Judges, 1st class and 2nd class, and Assistant Judges and Sessions Judges in Bombay; Deputy Magistrates and Deputy Collectors; Subordinate Judges and Munsiffs in Bengal; Deputy Collectors, Subordinate Judges and Munsiffs in the United Provinces; Extra Assistant Commissioners, Extra Judicial Assistant Commissioners, Subordinate Judges and Munsiffs in the Punjab; Extra Assistant Commissioners and Judicial Extra Assistant Commissioners in Burma; Deputy Magistrates and Deputy Collectors, subordinate Judges and Munsiffs in Bihar and Orissa; Extra Assistant Commissioners, District Judges, Subordinate Judges and Munsiffs in Central Provinces and Berar; Extra Assistant Commissioners in Assam; and Assistant Commissioner, District and Sessions Judge, and Munsiffs in Coorg.

- Officers of the Telegraph Traffic Service, Class I;
- Officers of the Superior Telegraph Engineering and Wireless Branches;
- Assistant Engineers, Telegraphs;
- Assistant Engineers, Wireless;
- Assistant Electricians;
- Superintendent, Telegraph Workshop;
- Accounts Officer, Telephone Revenue, Stores and Workshops, Alipore, and Accounts Officer, Telephone Revenue Accounting Office, Delhi.
- The Indo-European Telegraph Department—officers of and above the rank of Assistant Superintendent.
- The Public Works Department—officers of the Indian Service of Engineers and of the Provincial Engineer Service.
- The Railway Department—officers of the Indian Railway Service of Engineers and of the Provincial Engineering Service, State Railways.
- The Registration Department—officers of or above the rank of District Registrar.
- The Northern India Salt Revenue Department—officers of and above the rank of Assistant Superintendent.
- The Salt and Excise Department—officers of and above the rank of Assistant Collector in Bombay, of Inspector in Madras, of Assistant Commissioner in the United Provinces, of Assistant Superintendent in Burma, of Superintendent in Bengal, Bihar and Orissa, and Assam, and of District Excise Officer in the Central Provinces.
- The Survey of India Department—officers of and above the rank of Extra Assistant Superintendent, and the Superintendent and Assistant Superintendents, Mathematical Instrument Office.
- The Survey (Madras) Department—Directors and Assistant Directors.
- The Imperial Meteorological Department—officers of and above the rank of Assistant Director or Assistant Meteorologist, and the Scientific Assistant.
- The Opium Department—officers of and above the rank of District Opium Officer or Assistant Opium Officer.
- The Archæological Department—officers of rank equal to or above that of Assistant Superintendent.
- The Jail Department—officers of and above the rank of Superintendent.
- Director of Statistics.
- Second Imperial Economic Botanist, Pusa.

Imperial Dairy Expert.

Economic Botanist to the Botanical Survey of India.

Superintendents of Provincial Governments' Presses.

Managers, Government of India Presses, Calcutta, Aligarh, Simla and Delhi. Deputy Controllers in the Stationery and Printing Department and Manager, Government of India Central Publication Branch, Calcutta.

Shipping Masters, Bombay and Calcutta, and Deputy Shipping Masters, Bombay and Calcutta.

Port Officers in the Madras Presidency, not belonging to the Royal Indian Marine.

The Government Examiner of Questioned Documents.

Deputy Registrar for the Appellate Side of the Calcutta High Court.

Registrar, Official Referee and Master, Registrar in Insolvency, Deputy Registrar and Assistant Master and Referee, on the Original Side of the Calcutta High Court.

Judges of the Small Cause Court at a Presidency town, and at Rangoon.

Presidency Magistrates.

City Civil Judge, Madras.

Superintendent of Government Museum and Principal Librarian of the Connemara Public Library, Madras.

Registrars of Joint Stock Companies for Bengal and Bombay.

Registrar, Judicial Commissioner's Court, Sind, when the post is not held by a Provincial Civil Service officer.

Head Assistant, Prothonotary's office, Assistant Taxing Officer, Chief Clerk of the Insolvent Debtors' Court, First Deputy Registrar, Second Deputy Registrar, and Third Deputy Registrar, on the Original Side of the High Court, Bombay.

Deputy Registrar on the Appellate Side of the High Court, Bombay.

Deputy Registrars for the Original and Appellate Sides of the Madras High Court.

Official Referee, Madras.

First and Second Deputy Registrars of the Chief Court of Lower Burma.

Deputy Registrar of the Allahabad High Court.

Zoological Survey of India Department—officers of and above the rank of Assistant Superintendent.

Imperial Bacteriological Laboratory at Muktesar—Director and First Bacteriologist; Second and Second Assistant Bacteriologist; Pathologist; Veterinary Officer; Engineer; First, Second and Third Laboratory Assistant; and Farm Manager.

Second Solicitor to the Government of India.

Curator, Bureau of Education, Government of India.

Chemical Examiner for Customs and Excise, Calcutta.

Assistant Secretaries, Registrars and Superintendents employed in the Government of India Secretariat. Press and Forms Manager, Bengal.

*Assistant Secretary to the Resident at Hyderabad.

Manager, Government Photozincographic Press, Poona.

Chief Constructor, Constructor and Assistant Constructor, Bombay Dockyard.

Resident Engineer, Government Dockyard, Dawbong, Rangoon.

The Curator, Madras Record Office.

The Keeper of the Records of the Government of India.

Upper Grade Assistants employed at the Forest Research Institute and College, Dehra Dun.

The Forest Engineering Service.

Assistant Financial Advisers, Military Finance.

Principal of the Bihar School of Engineering.

Financial Assistant Secretary to the Government of the Central Provinces.

Registrar, Civil Secretariat, Central Provinces.

Under Secretary to the Government of the Central Provinces.

Assistant Secretary to the Government of the Central Provinces in the Public Works Department.

Managers of the Commissioner's Press, Karachi, and Government Central and Yeravda Prison Presses, Bombay.

Deputy Assistant Political Agents under the Government of Bombay.

Oriental Translator to the Bombay Government.

Assistant Secretaries to the Government of the United Provinces.

Assistant Secretaries to the Government of Bombay.

First and Second Assistant Secretaries to the Government of Bengal, Legislative Department, and Assistant Secretaries to the Bengal Legislative Council.

Deputy, Under and Assistant Secretaries to the Government of Madras.

Extra Assistant Commissioners in the North-West Frontier Province and in Baluchistan.

Extra Assistant to the Agent to the Governor General in Central India.

* Inserted by the Governor-General in Council.

The Assistant to the Resident at Gwalior, Gund, if an Indian and not a member of the Political Department cadre of the Indian Civil Service.

Assistant Masters of gazetted status, Mayo College, Ajmer (other than those of the Indian Educational Service).

Principal and Vice-Principal, Government College, Ajmer.

Head Master, Government High School, Ajmer.

Head Master, Moinia Islamia High School, Ajmer.

Additional District and Sessions Judge, Ajmer.

Subordinate Judges, Ajmer and Beawar.

Judge, Small Cause Court, Ajmer.

Extra Assistant Commissioners, Ajmer and Merwara, and Sub-Divisional Officer, Kekri.

General Manager, Court of Wards, Ajmer.

Treasury Officer and Magistrate, 1st class, Ajmer.

Railway Magistrate, 1st class, Ajmer.

Superintendent of Excise, Ajmer-Merwara.

Agricultural Engineers in pensionable service.

The Income-tax Department—all gazetted officers.

The Central Board of Revenue—Members and Personal Assistants to the Members.

Personal Assistant to the Inspector-General, Civil Hospitals, Punjab.

Survey Officer in the Central Provinces.

The Burma Frontier Service.

Assistant Secretary to Government, Punjab Public Works Department, Irrigation Branch.

Assistant Secretary to Government, Punjab Public Works Department, Buildings and Roads Branch.

Assistant Secretaries to Government, Punjab, employed in the Civil Secretariat.

Registrar, Punjab Irrigation Secretariat.

Deputy Registrar, High Court, Lahore.

Deputy Director of Gardens, United Provinces.

Officer-in-Charge, Medal Distribution.

Civilian Officer Supervisors at Army Headquarters.

Personal Assistant to the Military Secretary to His Excellency the Viceroy.

Any other officer eligible for an additional pension under Article 475A.

Secretary to the Chief Justice, Calcutta High Court.

Currency Department—Assistant Currency Officers.

Civilian Gazetted Officers, Indian Army Service Corps Record Office.

Controller of Patents and Designs.

Examiners of Patents.

Assistant Government Examiner of Questioned Documents.

Accounts Officer, Andamans Forest Department.

Managers, Photo-Litho Office, and the Head Engraver, Engraving Office, Survey of India.

Chemical Examiner, Bombay Custom House, and Chief Accounts Officers, Calcutta and Bombay Custom Houses.

Director of Civil Aviation in India.

*Administrative Officer, Civil Aviation Directorate.

*Superintendent, Horticultural Operations, New Delhi.

*[Executive Engineer, Public Works Department, Andaman and Nicobar Islands, and Supply Officer and Secretary to the Chief Commissioner, Andaman and Nicobar Islands.]

(2) The Government of India may include in the list in clause (1) any gazetted services or appointments the duties of which are so important that they cannot be regarded as subordinate.

NOTE.—[An officer who does not hold substantively one of the appointments mentioned above, but who, by rendering officiating service counting as effective service in one of the appointments included in the schedule appended to Article 475A, becomes eligible for an additional pension, is entitled to the benefits of this Article, provided, in the case of officers who were in service on 29th August 1919, they have definitely elected the rules referred to in the preamble of the Article.]

349B. Notwithstanding anything contained in Article 394A, the rules in this Part, subject to the exception noted below, do not apply to officers of the Indian Railway Service of Engineers, or the Provincial Engineering Service, State Railways, who joined their appointments on or after the 17th September 1925.

Exception.—(a) The undermentioned officers who joined their appointments in the Indian Railway Service of Engineers after the 17th September 1925 are subject to the rules in this Part to the same extent as other officers appointed to the Service before that date :—

(i) Mr. R. C. Harvey.

(ii)* Mr. Q. F. Rahman.

(b) Officers in pensionable service who were or may be promoted to the Indian Railway Service of Engineers or the Provincial Engineering Service, State Railways, on or after the 17th September 1925 retain their pensionary privileges after promotion.

350. The pensions of all other officers are regulated by the rules in this Part : Provided that it is open to a Local Government to rule that the service of any class of officers serving under it does not qualify for pension.

1. Service in Dāk Bungalow and District Garden Establishments does not qualify.

2. The service of a Patwari, whether appointed before or after the abolition of the Patwari or Village Officers' Cesses and Funds, does not qualify in any case in which it did not qualify prior to that abolition.

* Inserted by the Governor-General in Council.

351. Future good conduct is an implied condition of every grant of a pension. The Local Government, the Government of India, and the Secretary of State in Council reserve to themselves the right of withholding or withdrawing a pension or any part of it, if the pensioner be convicted of serious crime or be guilty of grave misconduct.

The decision of the Secretary of State in Council on any question of withholding or withdrawing the whole or any part of a pension under this Regulation shall be final and conclusive.

NOTE.—[This rule is applicable to all the officers enumerated in Article 349 except Judges of the High Courts, Bishops, Army Veterinary Officers of the Civil Veterinary Department and members of the Civil Service appointed before 16th January 1904.]

***351-A.** The Governor General in Council reserves to himself the right to order the recovery from the pension of an officer who entered service on or after 23rd February 1939 of any amount on account of losses found in judicial or departmental proceedings to have been caused to Government by the negligence or fraud of such officer during his service :

Provided that—

- (1) such departmental proceedings, if not instituted while the officer was on duty,—
 - (i) shall not be instituted save with sanction of the Governor General in Council ;
 - (ii) shall be instituted before the officer's retirement from service or within a year from the date on which he was last on duty whichever is later ;
 - (iii) shall be in respect of an event which took place not more than one year before the date on which the officer was last on duty ; and
 - (iv) shall be conducted by such authority and in such places whether in India or elsewhere, as the Governor General in Council may direct ;
- (2) all such departmental proceedings shall be conducted, if the officer concerned so requests in accordance with the procedure applicable to departmental proceedings on which an order of dismissal from service may be made ; and
- (3) such judicial proceedings, if not instituted while the officer was on duty, shall have been instituted in accordance with sub-clauses (ii) and (iii) of clause (1).

SECTION II.—CASES IN WHICH CLAIMS ARE INADMISSIBLE

352. In the following cases no claim to pension is admitted :—

- (a) When an officer is appointed for a limited time only, or for a specified duty, on the completion of which he is to be discharged.

* Made by the Governor General in Council and applies to officers who entered service on or after 23rd February 1939.

(b) When a person is employed temporarily on monthly wages without specified limit of time or duty; but a month's notice of discharge should be given to such a person, and his wages must be paid for any period by which such notice falls short of a month.

(c) When a person's whole time is not retained for the public service, but he is merely paid for work done for the State.

1. This clause applies, among others, to the following officers:—Advocate General, Solicitor to Government, Government Pleaders and Law Officers not debarred from private practice, Sheriffs in Presidency towns, Coroners, Roman Catholic Priests.

(d) When a public servant holds some other pensionable office, he earns no pension in respect of an office of the kind mentioned in clause (c) or in respect of duties paid for by a Local Allowance.

(e) When an officer serves under a covenant which contains no stipulation regarding pension, unless the Government of India specially authorises an officer to count such service towards pension.

NOTE.—[*Secretary of State's Despatch No. 255, dated 26th July 1877.*—"I have considered in Council your Financial letter, dated the 4th June last, No. 155, regarding the insertion, in contracts with mechanics and others engaged in England for service in India, of a clause stipulating that their service under covenant shall, if the Government of India think fit to re-engage them, count as service towards leave and pension under (*ordinary*) rules.

"Your Government are of opinion that the arrangement should apply to all such persons engaged under covenant or contract in England for the public service in India under all circumstances, and for all Departments, and you express a desire that the covenants should be carefully worded, so as to preserve inviolate the indefeasible right of the Government to modify either Leave or Pension Rules from time to time, at their discretion, so that no claims may arise to the benefits of either Code of Rules as it stood at the date when any particular covenant was executed."

"Covenants with mechanics and others engaged for service in India will accordingly in future be prepared containing provisions to the effect recommended by your Government."]

Misconduct or Inefficiency.

353. ¹No pension may be granted to an officer dismissed or removed for misconduct, insolvency or inefficiency; but to officers so dismissed or removed compassionate allowances may be granted when they are deserving of special consideration; provided that the allowance granted to any offices shall not exceed two-thirds of the pension which would have been admissible to him if he had retired on medical certificate.

² Provided further that no allowance shall be granted to an officer under the rule-making control of the Secretary of State for India in Council without his sanction.

NOTE.—Cancelled [with effect from the 18th June 1935].

¹ This revised Article takes effect from the 18th June 1935.

² The second proviso to Art. 353 has not been adopted by the Governor-General in Council for his own Services.

Unfitness for Further Advancement.

353A. When an officer, belonging to one of the following services, who is proved to be unfit for further advancement, is removed from service by the Secretary of State on the recommendation of the Local Government and the Government of India, he may, with the sanction of the Secretary of State, be granted a pension not usually exceeding, and not necessarily so great as, that which would have been admissible to the officer if he had been invalided on medical certificate. In making their recommendations in such cases, the Government of India and the Local Government will be guided by the circumstances of each case and are not debarred from proposing, if the circumstances justify it, a pension lower or (in exceptional cases) higher in amount than that which would be admissible to the officer if he was invalided on medical certificate :—

- (a) The Indian Civil Service.
- (b) The Indian Political Department.
- (c) The Indian Finance Department (General List, including the Public Works List).
- (d) The Indian Police.
- (e) The Imperial Customs Service.
- (f) The Post Office of India and the Indian Telegraph Department.
- (g) The Geological Survey of India.
- (h) The Engineer establishment of the Indian Public Works and State Railway Departments.

NOTE 1.—[In the case of the military officers belonging to the Indian Political Department the pension recommended will be based on the amount of retiring pension which an officer might have earned at the time under the Army Regulations.]

NOTE 2.—[In the case of officers belonging to a class which is neither wholly nor partly recruited by the Secretary of State, the removing authority will be the Government of India.]

NOTE 3.—[In the case of Royal Engineer officers of the Public Works and State Railway Departments the enforcement of the rule will take the form of requiring the officers to vacate their civil appointments and revert to military duty.]

Claims of Widow.

354. (a) It being the duty of every Government officer himself to provide for his family, the Government recognises no claim by a widow on account of the services of her husband, and is almost invariably under the painful necessity of rejecting recommendations made in contravention of this rule.

(b) The submission of such recommendations, save under very extraordinary circumstances, is disapproved, as calculated only to give rise to hopes which cannot be fulfilled.

NOTE 1.—[In a Despatch No. 36, dated 17th November 1841, regarding the establishment of the Bengal Uncovenanted Service Family Pension Fund, the Court of Directors observed :—“In referring to the causes which may have operated to keep back subscribers, the Directors advert to a reliance supposed to be placed on the special exercise of our bounty in favour of the families of deceased servants. Whether or not such reliance have any effect in discouraging subscriptions to the Fund, it is most important to the interest of the families of our Uncovenanted Servants that it should not be indulged. In our Despatch, dated the 16th October 1839, No. 31, we called your attention to the fact that the rules restricted the grant of pension to the family, or any member of the family, of a deceased servant, to cases

where the servant shall have been killed in the exercise of his public duty, or shall have died in consequence of wounds or accidents sustained therein, except in special cases justifying extraordinary indulgence, and which are of very rare occurrence. The belief, therefore, that the fact of the person dying in our service gives his family a claim to pensionary provision (if such belief exist), is a delusion which may be productive of very painful consequences, and which, for this reason, we feel it an imperative duty to endeavour to dispel. We observe that the Committee of the Fund have taken some pains to make our views on the point generally known; and in thus acting, they have contributed not only to promote the interest of the Fund, but to render valuable service to their brethren by disabusing their minds of a dangerous error."]

NOTE 2.—[In a Despatch No. 52, dated 8th February 1870, the Secretary of State remarked that "grave objections exist to the grant of special pensions to the families of Uncovenanted Servants, every such grant forming a precedent which is quoted in support of subsequent applications, with less claims to consideration."]

Limitations.

355. (a) An officer cannot earn two pensions in the same office at the same time, or by the same continuous service.

(b) Two officers may not simultaneously count service in respect of the same office.

Military Service.

356. (a) Service rendered by an employee belonging to one of the classes mentioned in Note 2 below, after attaining the age of 20 years, which is pensionable under military rules but which terminates before a pension has been earned in respect of it, may, at the discretion of the Government of India or of the Provincial and Minor Local Governments specified in Parts I and II of Appendix I to these Regulations, be allowed to count, when followed by service qualifying for pension under civil rules, as part of such service, provided that any bonus or gratuity received in lieu of pension on, or since, discharge from military service shall be refunded in such number of monthly instalments, not normally exceeding 36 and beginning from such date, as in each case the Government of India, Provincial Government or Minor Local Government, as the case may be, may decide. Service so allowed to count shall, however, be restricted to service, within or outside the employee's unit or department, in India or elsewhere, which has been paid for from Indian revenues or for which a pensionary contribution has been received by Indian revenues.

(b) Service pensionable under military rules which does not terminate before a pension has been earned in respect of it shall not be allowed to count for pension under civil rules without the sanction of the Secretary of State in Council.

NOTE 1.—[An officer, ex-soldier or ex-airman will not be brought under the operation of this Article as a matter of course. Each case will be decided on its merits, e.g., there may be cases in which it may be open to a claimant for pension to add military service during the Great War to former non-pensionable service in the Army in order to claim the benefit of a military pension. In such cases it may be to the advantage of the claimant that he should not be brought under the operation of this Article. The bearing of paragraph 574 of the Pay and Allowance Regulations of the Army in India, Part II, on the position of soldiers of the Indian Army who re-entered during the Great War, deserves consideration in this connection.

NOTE 2.—[This Article applies to Indian commissioned officers, non-commissioned officers and men of the Indian Army, 1 (and of the Frontier Constabulary and Militias) and to non-combatant departmental and regimental employees and followers of the supplemental services. It also applies to warrant and non-commissioned officers and men of the British Service, and to warrant officers and departmental officers of the commissary and assistant-surgeon classes.]

NOTE 3.—[To be eligible for the concession in this Article, the individual concerned should take his discharge from the Army or Royal Air Force within 12 months of the date of his confirmation in the appointment pensionable under civil rules. This limit may, in special cases, be relaxed by the Government of India.]

NOTE 4.—[Employees in the Military Police have the option of counting service under any other rules in these Regulations which would give them a similar or more liberal concession.]

NOTE 5.—[Employees who were in service in an appointment pensionable under civil rules on the 22nd February 1921 are eligible to count service under the rules which were in force before that date, where these rules are more advantageous to them.]

* NOTE 6.—[A person permanently appointed to the Civil Police force or to a post in the Jails Department of an administration subordinate to the Governor General in Council who before such appointment has served in the reserve of the Indian Army, may, if his military service, whether or not including service with the colours in addition to service in the reserve, was pensionable under military rules but terminated before he had qualified for pension, be permitted, at the discretion of the head of the administration, and subject to the provisions contained in this Article to count for civil pension the whole of his service with the colours, if any, and half his service in the reserve.]

357. For the purpose of the foregoing Article, service as private or in any higher combatant rank shall be treated as superior if followed by superior service in an appointment pensionable under civil rules. In other cases, military service shall be treated as superior or inferior according to the character of the appointment in which it was rendered, and with reference to the criteria observed in an appointment pensionable under civil rules. Doubtful cases should be referred to the Government of India who enjoy full powers in the matter.

357-A. Civil employees other than those governed by Article 357B who, prior to their civil employment, have rendered satisfactory paid service between the 4th August 1914, and the 31st August 1921, in His Majesty's Military, Naval or Air Forces, British or Indian, which did not earn a service pension under the Military, Naval or Air Force Rules, shall be allowed to count such military service, including sick leave taken during such service, for the purpose of civil pension, subject to the observance of the following general principles :—

- (1) Completed years of military service shall be allowed to count up to a maximum of four years.
- (2) In the case of services in which a minimum age is fixed for recruitment, no military service rendered below that age shall be allowed to count for pension.
- (3) The addition of war service shall not be included in total service under Article 408 of these *[Regulations] for the purpose of counting leave as service for pension, nor allowed in addition to the concession in Article *[403 or] 404A,

¹ The words within brackets occurring in Note 2 below Art. 356, have effect from the 28th May 1929.

* This Note has been made by the Governor General in Council.

* [] The words "of these Regulations" and "403 or" occurring in clause (3) of Art. 357-A have been deleted in respect of services under the control of the Governor General in Council with effect from 24th February 1938.

but any Government servant who may be entitled to the concessions admissible under the latter Articles and to the concession in this Article, will be allowed to select whichever is more favourable.

- (4) British and Indian military service shall be allowed to count alike for pension and no contribution towards, or share of, a pension earned as a result of this concession shall be claimed from the Home Government.
- (5) No refund of military bonus or gratuity shall be demanded from the employee."

***357B.** Members of the services specified in the Schedule below, who, prior to their civil employment have rendered wholetime enlisted or commissioned service between the 4th August, 1914, and the 31st August, 1921, in His Majesty's Military, Naval or Air Forces, British or Indian, which did not earn a service pension under the Military, Naval or Air Force Rules, may count such service, including sick leave taken during such service, for civil pension of all kinds subject to the following conditions :—

- (1) Completed years of service rendered after the attainment of the minimum age mentioned in the Schedule to this Article shall be allowed to count up to a maximum of four years.
- (2) The addition so made shall not be included in total service under Article 408 for the purpose of counting leave as service qualifying for pension, nor be allowed in addition to the concession in Article 404-A but an officer who may be entitled to the concession admissible under Article 404-A and to that provided in this Article, shall be allowed whichever concession is the more favourable to him.
- (3) Save as stated in Notes 1, 2 and 4 no refund of bonus or gratuity received in respect of such service shall be required from the officer.

Note 1.—Officers of the Indian Army retired as surplus under the terms of the Royal Warrant of 25th April, 1922, appointed to any of the services named in the Schedule (except the Indian Police) shall be entitled to the concession in this Article or to the following concession whichever is more favourable :—

They shall be allowed to count as service qualifying for superannuation, retiring and invalid pension, all service in the Indian Army (excluding service in the British Army which would have counted for Indian Army pension) rendered after attaining the minimum age of appointment as indicated in the Schedule below, and subject to a maximum period in all of four years but the gratuity, if any, received by them under that Royal Warrant shall be refunded to Government.

Note 2.—Officers of the Indian Army retired as surplus under the terms of the Royal Warrant of 25th April, 1922, appointed to the Indian Police may count all

* This article has effect from the 26th May 1937.

service pensionable under Indian Army Regulations towards Civil pension but the gratuity, if any received by them under that Royal Warrant shall be refunded to Government.

Note 3.—Members of the Indian Police (other than those appointed to the service under the special Regulations of the 21st February, 1923, and surplus officers of the Indian Army) are entitled to the concession below if more favourable to them than the concession in this Article :—

Age of candidate on 1st August preceding the date of reporting for duty in India.	Period of war service including sick leave allowed to count for retiring and invalid pension.
Under 22 years	Nil.
22 years and under 23 years	Up to 1 year.
23 years and under 24 years	Up to 2 years.
24 years and under 25 years	Up to 3 years.
25 years and over	Up to 4 years.

Note 4.—Mr. D. F. Keegan of the Imperial Customs Service, shall count as service towards invalid and retiring pension in the Customs Service his total pensionable Army Service, subject to his refunding the gratuity paid to him under the terms of the Royal Warrant of the 25th April, 1922 less an amount equal to the allowance he would have drawn between the date of drawing the gratuity and the date from which he began to draw pay in the Customs Department.

Note 5.—Members of the Indian Forest Service and Indian Forest Engineering Service including those transferred to the Indian Service of Engineers shall be entitled to the concession in this Article or to the following concession whichever is more favourable :—

Officers retiring after 20 and less than 25 years' service shall count for pension completed years of war service rendered after attaining the age of 20 including sick leave taken during that service up to a maximum of two years and those retiring after 25 years' service, up to a maximum of three years.

Note 6.—Service added under this Article as well as under Notes 2, 3 and 5 shall count towards the limit of 28 years' qualifying service prescribed in Article 475-A (5).

Schedule.

Service.	Minimum Age.
Indian Police	19 years.
Indian Agricultural Service	23 ..
Indian Educational Service	23 ..
Indian Forest Service	21 ..
Indian Forest Engineering Service	21 ..
Indian Service of Engineers	21 years; 22 years in the case of officers recruited during the years 1919, 1923, except officers of the Indian Forest Engineering Service transferred to Indian Service of Engineers whose minimum age of appointment will be 21 years.
Indian Veterinary Service	Nil.
Indian Audit and Accounts Service	22 years.
Imperial Customs Service	22 ..
Superior Telegraph Engineering and Wireless Branches of the Posts and Telegraphs Department	22 ..
Geological Survey of India (Class I)	Nil.
Mines Department (Class I)	25 years.
European Gardeners' Service	Nil.
Indian Railway Service of Engineers	22 years.
Bengal Pilot Service	18 ..
Superior Service of the Military Accounts Department	22 ..

***357-B.** Members of the services specified in the schedule below, who, prior to their civil employment, have rendered whole-time enlisted or commissioned service between the 4th August, 1914, and the 31st August, 1921, in His Majesty's Military, Naval or Air Forces, British or Indian, which did not earn a service pension under the Military, Naval or Air Force Rules, may count such service, including sick leave taken during such service, for civil pension of all kinds subject to the following conditions :—

- (1) Completed years of service rendered after the attainment of the minimum age mentioned in the schedule to this Article shall be allowed to count up to a maximum of four years.
- (2) The addition so made shall not be included in total service under Article 408 for the purpose of counting leave as service qualifying for pension, nor be allowed in addition to the concession in Article 404-A but an officer who may be entitled to the concession admissible under Article 404-A and to that provided in this Article, shall be allowed whichever concession is the more favourable to him.
- (3) Save as stated in Note 1, no refund of bonus or gratuity received in respect of such service shall be required from the officer.

Note 1.—Officers of the Indian Army retired as surplus under the terms of the Royal Warrant of 25th April, 1922, appointed to any of the services named in the schedule shall be entitled to the concession in this Article or to the following concession whichever is more favourable :—

They shall be allowed to count as service qualifying for superannuation, retiring and invalid pension, all service in the Indian Army (excluding service in the British Army which would have counted for Indian Army Pension) rendered after attaining the minimum age of appointments as indicated in the Schedule below, and subject to a maximum period in all of four years but the gratuity, if any, received by them under that Royal Warrant shall be refunded to Government.

Note 2.—Service added under this Article shall count towards the the limit of 28 years' qualifying service prescribed in Article 475A(5).

SCHEDULE.

<i>Service.</i>	<i>Minimum age.</i>
Indian Audit and Accounts Service	22 years.
Imperial Customs Service	22 years.
Superior Telegraph Engineering and wireless Branches of the Posts and Telegraphs Department.	22 years.
Geological Survey of India (Class I)	Nil
Mines Department (Class I)	25 years.
Bengal Pilot Service	18 years.

* This Article relates to services under the control of the Governor General in Council and takes effect from 24th February 1938.

Chapter XVI.—Conditions of Qualifying Service.

SECTION I.—DEFINITION OF QUALIFYING SERVICE.

Beginning of Service.

358. (a) Except for Compensation gratuity, an officer's service does not in the case of Superior service qualify till he has completed twenty years of age.

(b) In other cases, unless it be otherwise provided by special rule or contract, the service of every officer begins when he takes charge of the office to which he is first appointed.

NOTE.—[In every covenant with an officer appointed in England by the Secretary of State not being a member of the Indian Civil Service (or Indian Police)¹ or a Civil Engineer or Telegraph Officer educated at the Royal Engineering College, Coopers Hills ¹(or a Forest Officer), a clause is inserted to the effect that service for leave and pension begins only from the date on which the officer joins his first appointment in India ¹[In the case of an officer of the Indian Forest Service appointed in England by the Secretary of State service for pension begins from the date from which he draws pay].]

359. The following exceptions are admitted to the twenty years' rule :—

- (1) All officers appointed in England by the Secretary of State; "Indian College Engineers" [see Article 627 (d)]; and Police probationers appointed in India under the orders contained in the Despatch of the Secretary of State, No. 14 (Judicial), dated 15th March 1894.
- (2) Signallers in the Indian and Indo-European Telegraph Department may count towards pension service rendered by them after they attain the age of eighteen years.
- (3) Sub-assistant surgeons count service from the date they pass their final examination.

NOTE.—[Pupils of the Civil Hospital Assistant class in Medical Colleges, who are granted leave under Article 52 (c), count service from the date on which the leave begins.]

360. In the case of Inferior service, service counts after the age of sixteen years.

Conditions of Qualification.

361. The service of an officer does not qualify for pension unless it conforms to the following three conditions :—

First.—The service must be under Government.

Second.—The employment must be substantive and permanent.

Third.—The service must be paid by Government.

These three conditions are fully explained in the following Section.

361A. The Government of India may, however, in the case of service paid from General Revenues, even though either or both of conditions (1) and (2) are not fulfilled,—

- (1) declare that any specified kind of service rendered in a non-gazetted capacity shall qualify for pension;

¹ The words in brackets occurring in the Note to Art. 358 (b) have been inserted by the Secretary of State; and the words 'or a Forest officer' occurring in this Note have been deleted by the same authority.

- (2) in individual cases, and subject to such conditions as it may think fit to impose in each case, allow service rendered by an officer to count for pension.

Subject to such conditions as it may think fit to impose, the Government of India may delegate its powers under this Article to Provincial Governments, Minor Local Governments and Heads of Departments.

NOTE.—[(a) Provincial Governments exercise the powers of the Government of India under clauses (1) and (2) of this Article in respect to officers serving under them if the pension does not exceed fifty rupees a month. In individual cases where the pension exceeds fifty rupees a month, they may allow half the actual non-qualifying service paid from General Revenues to count for pension subject to a maximum of twelve months in all.

(b) Minor Local Governments exercise the powers of the Government of India under clause (2) of this Article in respect of officers serving under them if the pension does not exceed ten rupees a month.]

SECTION II.—FIRST CONDITION.

362. The service of an officer does not qualify unless he is appointed and his duties and pay are regulated by the Government, or under conditions determined by the Government. The following are examples of officers excluded from pension by this Article :—

- (1) A Marine Officer paid by fees fixed by the Board of Trade ;
- (2) Officers of a Municipality ;
- (3) Officers of Grant-in-aid Schools and Institutions (*e.g.*, the Asiatic Society and Canning College at Lucknow) ;
- (4) Subordinates appointed by Treasurers on their own responsibility, *e.g.*, Tahvildars in the Province of Agra and in the Central Provinces ; and Potdars (money-testers) in Bengal.

363. As an exception to the preceding Article, the services of Subordinates of Treasurers in the Punjab, including Tahvildars and Potadars (money-testers), who were in employ on the 23rd August 1886, qualify, provided that they were—

- (i) appointed by District Officers ;
- (ii) discharging duties and receiving pay regulated under conditions laid down by Government ; and
- (iii) other than mere servants of Treasurers liable to be removed whenever a change might take place in the incumbency of the office of a Treasurer.

364. The service of a Native Accountant appointed to a Silladar Regiment in the Bombay Presidency on or after the 6th February 1875 does not qualify.

Service paid from Contract Allowances.

365. Service on an establishment paid from a Contract Establishment allowance, with the detailed distribution of which the Government does not interfere, does not qualify, whether such contract allowance is a fixed amount or consists of fees.

NOTE.—[The maximum Establishment allowance for Registration offices in Bengal is not a Contract allowance within the meaning of this Article.]

366. Service on an establishment paid from the Household allowance of the Viceroy, or of a Governor, or Lieutenant-Governor does not qualify.

1. If an officer has served partly (in a capacity which would have given him claim to pension if the service had been paid from the General Revenues) on the Household establishment of the Viceroy, and partly on establishments paid from the General Revenues, he is entitled from the General Revenues to a share of any pension to which he would have been entitled if his whole service had been paid from the General Revenues, proportionate to the length of the service which has been so paid.

Example.—A B, a Messenger on pay of Rs. 8 a month, has served altogether thirty-two years, of which sixteen years were passed on the Household establishment of the Viceroy. If A. B's whole service had been paid from the General Revenues, he would have been entitled under the rules for inferior service to a maximum pension of Rs. 4 a month. A B will receive from the General Revenues a maximum pension of Rs. 2 a month.

2. The Governor of Bombay is authorised to grant pensions and gratuities at his discretion to the domestic servants in the Government House establishment retiring from the service, or to the families of such domestic servants after their decease, provided that the amount of such pensions and gratuities paid in any one year ending 31st March shall not exceed Rs. 1,320.

Service under an Employer other than Government.

367. In the following cases service under an employer to whose position Government has succeeded qualifies :—

- (a) Service rendered to an Indian State, and continued to the British Government on the lapse or annexation of the State, when old age or infirmity renders the officer a fit object for pension.
- (b) Service in the establishment employed in the Khelat territory for the assessment and collection of water-rate on lands watered by the Sind Canal which was paid in part by the Khan of Khelat prior to the levy of a local cess to meet the charge.

SECTION III.—SECOND CONDITION.

General Principles.

368. Service does not qualify unless the officer holds a substantive office on a permanent establishment.

369. An establishment, the duties of which are not continuous, but are limited to certain fixed periods in each year, is not a temporary establishment. Service in such an establishment, including the period during which the establishment is not employed, qualifies; but the concession of counting as service the period during which the establishment is not employed does not apply to an officer who was not on actual duty when the establishment was discharged, after completion of its work, or to an officer who was not on actual duty on the first day on which the establishment was again re-employed.

370. An officer transferred from a temporary to a permanent appointment can count his service in the temporary office, if, though at first created experimentally or temporarily, it eventually becomes permanent.

371. An officer without a substantive appointment officiating in an office which is vacant, or the permanent incumbent of which does not draw any part of the pay or count service, may, if he is confirmed without interruption in his service, count his officiating service.

Apprentices and Probationers.

372. Service as an apprentice does not qualify, except in the following cases :—

Engineer or Examiner Apprentices.

Qualified students of the Thomason College under practical training who passed out prior to the year 1924.	}	In the Public Works and Railway Departments.
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Assistant Superintendent Apprentices in the Indian Telegraph Department.

373. The service of a probationer who holds a substantive office and draws substantive pay qualifies. So does that of an officer who is on probation for a substantive office, if he is employed in a vacancy reserved for him pending probation, and in which no other officer simultaneously counts service.

374. Police probationers and temporary and officiating Assistant Superintendents of Police in all Provinces count their service as follows :—

- *(1) If recruited in England—from the date from which they draw pay.
- (2) If recruited in India under the orders in Secretary of State's despatch No. 14, dated the 15th March 1894—from the date of assuming charge of their appointments.
- (3) If recruited in India before the date of the orders of 1894 mentioned in (2) above—from the date either of attaining the age of 20 years or of assuming charge of their appointments, whichever is later, provided that the service has been continuous.

375. The service of :

- (1) Probationary, officiating and temporary Deputy Magistrate-Collectors and Sub-Deputy Collectors in Bengal, Bihar and Orissa and Assam,

* Applies to officers under the rule-making control of the Secretary of State.

- (2) Probationary, officiating and temporary Deputy Collectors in the United Provinces,
- (3) Probationary, officiating and temporary Extra Assistant Commissioners in the Punjab and Assam, and
- (4) Officiating and temporary Extra Assistant Commissioners in the Central Provinces,

counts for pension from the date on which all the three following conditions are fulfilled, namely :—

- (a) Two years' continuous probationary or officiating service as such has been rendered ;
- (b) Departmental examinations have been fully passed ; and
- (c) The age of twenty years has been attained.

NOTE 1.—[The above conditions do not apply to Deputy Collectors and Sub-Deputy Collectors who began service in the Settlement Department on a temporary footing and were promoted to be probationary or officiating Deputy Collectors or Sub-Deputy Collectors in the provincial and subordinate civil services. Such officers are allowed to count the whole of their continuous service for pension from the date of their first appointment in the Settlement Department.]

NOTE 2.—[Condition (b) does not apply to Sub-Deputy Collectors in Bengal and Bihar and Orissa who were appointed before the 4th July 1892, and exempted from the operation of the rules for Departmental Examinations laid down in Resolution No. 3111-A of the Government of Bengal, dated the 4th July 1892.]

NOTE 3.—[Sub-Deputy Collectors in Bengal and Bihar and Orissa who were appointed before the 4th July 1892, and were brought under the operation of the rules for Departmental Examinations laid down in Resolution No. 3111-A of the Government of Bengal, dated the 4th July 1892, shall be held to have passed their Departmental Examinations at a date calculated by taking the period of time between the 4th July 1892 and the actual date of passing the examinations as the time taken to pass after first appointment as an officiating Sub-Deputy Collector.]

Permanent Officer deputed.

376. An officer on a permanent establishment detached on temporary duty, on the understanding that, when the temporary duty ceases, he will return to the permanent establishment, counts his detached service.

377. The preceding Article permits the temporary suspension of the second condition of qualifying service which forms the subject of this Section ; it does not authorise any relaxation of the first condition (Section II), or the third condition (Section IV), and, in particular, must not be understood to countenance any modification of the rules in Part VII, which apply to an officer on Foreign Service.

378. Service as Private Secretary to the Governor-General, a Governor or a Lieutenant-Governor, qualifies, provided that the officer belonged, before his appointment as Private Secretary, to the Civil Service of Government, whether the Indian Civil Service or not.

Substantive Office abolished.

379. If the substantive office of an officer is abolished within the meaning of Article 426, but the officer is, at the time, on special duty, or is, on abolition of his office, deputed on special duty, his service on

special duty qualifies, but the duty must be *special*; mere employment, in continuation of permanent employment, in a temporary appointment which happens at the time to be vacant, does not qualify.

1. The service of an officer of the Marine Service continues to qualify when, upon the abolition of his appointment, he is retained on subsistence allowance or in an acting appointment.

Piece-work.

380. A Press servant, who is paid for piece-work, is treated as having held a substantive office, if—

- (i) he is employed, not casually, but as a member of a fixed establishment; and
- (ii) during the last seventy-two months of his actual employment he has been attached to one office uninterruptedly for twenty-four months, or it has not been through his own choice or misconduct that he has not been so attached.

Surveys and Settlements.

381. (a) The service of an officer not merely temporarily engaged in the undermentioned Settlement and Survey Departments which are (or were) on a *quasi*-permanent footing qualifies :—

The Settlement Departments in Madras, Burma, the Punjab and the Central Provinces and Berar. The Revenue Survey Departments in Bengal, Madras and Bombay. The establishments of the Inam Commissioners of Madras and Bombay. The Alienation Settlement Department in Bombay. The Malabar Escheat Establishment, Madras.

(b) Except in the regular Departments and to the extent above specified, Settlement and Survey service does not count unless it is followed, without interruption, by qualifying Service. Settlement Service followed, without interruption, by pensionable service paid from a Patwari Fund also qualifies.

(c) Service as measurers employed in the record-of-rights work in Berar counts when such service is followed, without interruption, by qualifying service.

NOTE 1.—[From the dates mentioned, the following posts have been declared to be on a *quasi*-permanent footing :—

- (a) In a Settlement Office in the United Provinces from 1st October 1899—

Head and Second Clerk.

Sadr Munsarim.

Settlement Officer's Reader.

Nazir and Record-keeper.

- (b) In the Settlement Establishment in Baluchistan from 1st September 1904—

Superintendent (pay Rs. 150), 1 Deputy Superintendent (pay Rs. 90), 1 Deputy Superintendent (pay Rs. 75), 2 Munsarims (pay Rs. 50 each), 2 Munsarims (pay Rs. 40 each), 1 Head Clerk (pay Rs. 90), 1 Second Clerk (pay Rs. 65), 1 Copyist (pay Rs. 50), 1 Sarishtadar to Settlement Extra Assistant Commissioner (pay Rs. 65), 1 Muharrir (pay Rs. 40), 1 Nazir (pay Rs. 30), 1 Sarishtadar to Settlement Superintendent (pay Rs. 40), 1 Nazir to Settlement Superintendent (pay Rs. 30).

Service in these posts qualifies from the dates mentioned or from any previous date from which the incumbents on 1st October 1899 or 1st September 1904 (as the case may be) may have been serving substantively and without interruption in one or other of them.]

NOTE 2.—[Continuous service as Inspector, Surveyor, Holding Marker, Draughtsman, Computer and Clerk belonging to Special and Revision Survey parties in Burma qualifies.]

382. Deputy Collectors and similar gazetted officers, when not especially employed for temporary work, are not affected by the preceding article, as they count service independently of the particular department to which they happen for the time to be attached.

Exception.

383. A Medical Officer in charge of a Government vessel may count his service afloat, if he is transferred, without interruption of his service, to the Civil Medical Service.

384. Officers transferred from the Extra or Contingent List of the Customs Preventive Service in Burma or in Calcutta count their service on that list, provided the Collector declares that the transfer is made on the ground of good service rendered.

SECTION IV.—THIRD CONDITION.

Sources of Remuneration.

385. Service which satisfies the conditions prescribed in Sections II and III qualifies, or does not qualify, according to the source from which it is paid; with reference to this Article, service is classified as follows:—

- (a) Paid from the General Revenues.
- (b) Paid from Local Funds.
- (c) Paid from Funds in respect to which the Government holds the position of Trustee.
- (d) Paid by Fees levied by law, or under the authority of the Government, or by Commission.
- (e) Paid by the Grant, in accordance with law or custom, of a tenure in land, or of any source of income, or right to collect money.

General Revenues.

386. Service paid from the General Revenues qualifies. The fact that arrangements are made for the recovery, on the part of the Government, of the whole, or part, of the cost of an establishment or officer, does not affect the operation of this principle: Provided that the establishment or officer is appointed, controlled, and paid by the Government.

NOTE.—[In making arrangements for the recovery of cost of establishments, it should not be forgotten that Government has to bear not only the immediate cost, but also that of leave allowances and pensions.—(See Article 783.)]

Examples.—(a) The Shipping Master and Deputy Shipping Master, and their establishments at Bombay and Deputy Shipping Master in Calcutta, the cost of which offices is provided for by shipping fees.

(b) The establishment of the Hughly College and Collegiate Schools while the cost thereof was borne by the Mohsin Trust Fund and also that of the Elphinstone College and High School and some other Government Medical and Educational Institutions in Bombay, a portion of the cost of which is recovered from private endowments.

(c) Masters and Assistant Masters in schools establishment in Bombay on the old system (converse to the grant-in-aid system) whose pay was met in part by local contributions. The pension in this case is reckoned only on the share of pay paid by Government.

(d) The establishment of the Sehere (Bhopal) School, the expense of which is paid in part by local subscriptions.

(e) Certain Customs establishments in Bombay, the cost of which is paid for by private companies.

(f) When Police officers are entertained at the cost of individuals and corporate bodies, an additional charge of one-fourth of the pay of officers whose pay is not less than Rs. 100 a month, and of three-sixteenth of the pay of others, must be defrayed by the persons for whose benefit the officers are employed: Provided always that the additional charge shall not be made when such officers do not belong to the regular Police, but are only temporarily engaged, their service not counting for pension; or when the pay of the officers is a charge upon the General Revenues.—[See Article 495 (b).]

(g) An establishment of the Accountant-General of the High Court at Bombay whose pay is provided for by a three per cent. commission on invested funds in charge of the Accountant-General.

(h) The office establishment of the Health Officer of the Port of Bombay and the crew of the boat placed at the disposal of that officer, a portion of whose pay is paid by the Bombay Port Trust.

(i) Certain additions to the Government establishments in the Bombay Presidency, e.g., the Accountant-General, Commissioners, Surgeon-General, Bombay, Surgeon-Colonel in Sind, Inspectors of Schools, etc., the cost of which is met from the General (Provincial) Revenues which are recouped by recoveries from the several Local Funds concerned.

387. The service of members of office establishments in the Railway Police in Bombay, who are wholly paid by the Railway Companies, qualifies.

388. Service which was paid wholly or partly from the Revenues of Berar before 1st October 1902 qualifies for pension from General Revenues.

389. (a) In the case of officers who, having no status in the service of the British Government, apart from their particular employment in Mysore, were employed in Mysore and transferred to the British service proper before 1st October 1882, the pensions granted are charged according to the Rule of Proportions.

(b) Pensions for service in Mysore prior to 1st October 1882 of officers who had a status in the service of the British Government, apart from their particular employment in Mysore, are paid wholly from British Revenues.

Local Funds and Trust Funds.

390. Service paid from a Local Fund qualifies, or does not qualify, according to the rules laid down in Chapter XIII.

391. Service paid from Funds which Government hold only as a Trustee such as under a Court of Wards or in an Attached Estate, does not qualify.

Fees and Commission.

392. Except when fees or commission are drawn in addition to pay from the General Revenues, service in an office paid only by fees, whether levied by law or under the authority of Government, or by a commission, does not qualify.

1. Service as Official Assignee does not qualify.

2. Service as a Thugyi (local collector of revenue paid by commission) in Lower Burma qualifies, but this concession does not extend to Upper Burma.

Tenures in Lands, etc.

393. Service paid by the grant, in accordance with law or custom, of a tenure in land, or of any other source of income, or right to collect money, does not qualify.

394. As an exception to the preceding Article, Watandars (hereditary District Officers) and their deputies in the Kaira Collectorate and in the following talukas of the Panch Mahals, namely:—Godra, Kalol and Dohad, and the Petás of Hálol and Jhalod, if transferred to qualifying service, count their previous services.

SECTION V.—DISTINCTION BETWEEN SUPERIOR AND INFERIOR SERVICE.

395. Qualifying service is divided into SUPERIOR and INFERIOR.

396. Appendix 7A, Part I, contains a list of appointments specially classed as inferior and Part II a list of appointments specially classed as superior. All service on pay exceeding Rs. 10 in an appointment not mentioned in Appendix 7A is superior and service (in such an appointment) on pay not exceeding Rs. 10 is inferior.

1. A Local Government may transfer any appointment or a class of appointments on pay exceeding Rs. 15 a month from the inferior to the superior class unless the appointment falls under one or other of the following entries in Appendix 7A, Part I:—

Menials and inferior servants,

Messengers, orderlies, peons and other petty officers.

NOTE.—[If the pay of the appointment is progressive the maximum pay is the criterion for the purpose of the above rule.]

2. The Government of India may also transfer individual appointments irrespective of pay from the inferior to the superior category.

397. *Cancelled.*

Service partly Inferior and partly Superior.

398. An officer whose service has been for some time Inferior and for some time Superior may either count—

- (a) the whole as Inferior towards pension or gratuity on the Inferior scale, or
- (b) the Superior portion towards pension or gratuity on the Superior scale, and the Inferior portion towards gratuity on the Inferior scale.

Under (a) the pension or gratuity is calculated on the pay (whether in Superior or Inferior service) which the officer drew immediately before his retirement.

Under (b) the pension or gratuity on the Superior scale is calculated upon the average emoluments or emoluments respectively which the officer drew when last in Superior service, and the gratuity on the Inferior scale upon the pay which he drew when last in Inferior service; provided that the total gratuity or gratuity *plus* pension granted under this clause shall not exceed what would have been admissible, if the whole service had been Superior.

If an officer has been reduced from the Superior to the Inferior class for misconduct, he cannot have the benefit of this Article, without the special permission of the Local Government.

399. The claims of an officer, promoted from an Inferior to a Superior grade as a regard for meritorious service, will be specially considered by the Government of India or by the Local Government under whom the officer is serving. This rule is to be strictly interpreted and a claim under it can be founded only on exceptional promotion made out of the ordinary course.

Exceptional Cases.

400. If an officer holds two or more offices, each of which is Inferior by reason of its pay not exceeding Rs. 10, he cannot count service as Superior on the ground that his aggregate pay exceeds Rs. 10 unless the offices were arranged and their pay determined with the intention that they should be held by one individual.

401. The service of a postman or village postman, whatever his pay, is Superior service.

402. (a) When the regular duties of an officer whose pay exceeds Rs. 10 but who bears an Inferior designation, are really such as are ordinarily performed by a Superior servant, his claim to pension should be specially referred to the Local Government.

NOTE.—[It is not intended by this Article that an Inferior servant should count service as Superior in virtue of his voluntarily assisting in Superior work. It provides for the case of a person who is *engaged under due authority to do Superior work*, though with an Inferior designation.]

(b) On the other hand, an officer whose real duties are those of an Inferior servant, even though his pay exceeds Rs. 10, is not entitled to pension on the Superior scale merely because he draws pay under a Superior designation.

Examples.—Accountants in the Province of Agra who served under the designation of "Potdars." A Lithographic Pressman designated as a "Copying Clerk".

Chapter XVII.—Rules for Reckoning Service.

SECTION I.—SPECIAL ADDITIONS.

Special Appointments.

403. *Cancelled.*

404. *Cancelled.*

404-A. For officers mentioned in Article 349A, the concession of adding to qualifying service is as follows :—

In the case of the Agriculture (Imperial), Educational (Imperial and Provincial Services), Principal and Assistant Masters recruited by the Secretary of State for service at the Prince of Wales' Royal Indian Military College, Dehra Dun, Civil Veterinary (Imperial), Factory and Boiler and Smoke Nuisances Inspection, Indian Mines, Mint and Assay, Geological Survey and Meteorological Departments, the Provincial Judicial Services, Distillery Experts in the Salt and Excise Departments, the Director of Commercial Audit, officers of the Zoological and the Archaeological Departments, Superintendents of Provincial Governments' Presses, the Second Solicitor to the Government of India, Commander, Chief Engineer and First Officer of the Indo-European Telegraph Department attached to the Cableship *Patrick Stewart* and Medical Superintendent of the Indo-European Telegraph Department in the Persian Section, Presidency Magistrates, Judges of the Small Cause Court at a Presidency town and at Rangoon, City Civil Judge, Madras, Superintendent of Government Museum and Principal Librarian of the Connemara Public Library, Madras, Registrars of Joint Stock Companies for Bengal and Bombay, First and Second Assistant Secretaries to the Government of Bengal, Legislative Department and Assistant Secretaries to the Bengal Legislative Council, Port Officers in Madras Presidency not belonging to the Royal Indian Marine, Deputy Superintendent and Remembrancer of Legal Affairs, Bengal, *Superintendent, Government Printing, India, Deputy Superintendents, Government of India Printing Presses, and Managers* of Government of India Presses, the Resident Engineer, Government Dockyard, Dawbong, Rangoon, the Press and Forms Manager, Bengal, Mathematical Adviser to the Survey of India, the Sub-Divisional Magistrate and Additional Magistrates, Rangoon, when recruited from the Bar, Manager and Chemist, Cordite Factory, Aruvankadu, Registrar, original side, Calcutta, Official Referee and Master, Calcutta, Registrar in Insolvency, Calcutta, Deputy Registrar, original side, Calcutta, Assistant

* Now styled Managers, Government of India Presses, Calcutta, Aligarh, Simla and Delhi.

Referee and Master, Calcutta, Secretary to the Chief Justice, Calcutta, Deputy Shipping Masters, Bombay and Calcutta, when held by persons recruited from the Mercantile Marine, Principal and Vice-Principal¹, Government College, Ajmere, Director of Civil Aviation in India, and of such other appointments as may be definitely specified in this behalf in other Departments, except those included in clause (i) of Article 474A, in which recruitment is likely to take place normally after 25 years of age, officers recruited over that age may add to their service qualifying for superannuation pension (but not for any other class of pension) the actual period not exceeding five years by which their age at recruitment exceeded twenty-five years. This concession will not be granted to individual officers appointed at an age exceeding twenty-five years to Departments or appointments other than those included above. No officer can claim the benefit of this Article unless his actual qualifying service at the time he quits Government service is not less than ten years.

NOTE.—[The extra years conceded in this Article count towards the limit of 23 years' qualifying service prescribed in Article 475A.]

1. The provisions of this Article apply to members of the Bar directly appointed before the 23rd February 1937 to judicial posts ordinarily reserved for members of the Indian Civil Service, but, in their case, the maximum period to be added will be ten years.

2. The provisions of this article do not apply to an officer recruited on or after the 23rd February, 1937, for service as Principal or Assistant Master at the Prince of Wales' Royal Indian Military College, Dehra Dun, nor to officers appointed or on after that date to the posts of Manager and Chemist, Cordite Factory, Aruvankadu.

3. The provisions of this article also do not apply to officers of the Departments and holders of the appointments mentioned therein, who are under the rule making control of the Governor General in Council and are recruited on or after the 8th July 1937.

405. *Omitted.*

406. *Omitted.*

SECTION II.—PERIODS OF LEAVE.

Superior Service.

407. Except as provided in Article 408, time passed on leave other than Privilege leave, or Subsidiary leave taken under the rules in force prior to 29th July 1920, does not count as Superior service.

408. Time passed on leave with allowances counts as service as follows :—

If the total service of the Officer is not less than—	He counts as service a period of leave out of India not exceeding—	He counts as service a period of leave in India not exceeding—
15 years.	1 year.	1 year.
20 "	2 years	"
25 "	3 "	"
30 "	4 "	2 years.
35 "	5 "	"

¹ The words 'Vice Principal' occurring in Art. 404A take effect from 1st October 1931.

NOTE 1.—[The periods in columns 2 and 3 are not cumulative, that is, an officer may not count two years' leave in 15 years' service or more than four years' leave in thirty years' service. The maximum amount of leave both in and out of India which may be counted is that shown in column 2.]

NOTE 2.—[Total service in this Article means total service reckoning from the date of commencement of service qualifying for pension and includes periods of leave.]

NOTE 3.—[For the purposes of this Article, Ceylon and the Straits Settlements are not held to be "out of India."]

409. Time passed on Departmental leave by subordinates in the Survey of India, in the Bengal and Bihar and Orissa Survey Departments and in the Traverse Survey Party of the Central Provinces whose service is superior counts, provided they return to duty when required by their superior officers.

NOTE.—[Departmental leave granted to Tindals and others under clause (ii) of Article 295 and to inferior servants in the Bengal and Bihar and Orissa Survey Departments employed purely on field work is treated as service qualifying for pension.]

410. Time passed on leave obtained to be present at an examination which he passed before an officer is eligible for higher subordinate appointments, such as Deputy Magistracies, counts—(*see Article 285*).

411. The Government of India may at its discretion decide in the case of an officer (including a person in training for, but not actually appointed to, Government service) who is selected to undergo a course of training, whether the time spent in training shall count as service qualifying for pension. A Local Government exercises similar powers in respect of officers serving under it.

NOTE 1.—[The Government of India and Local Governments may delegate their power under this Article to Heads of Departments as regards officers serving under them.]

NOTE 2.—[The Government of India or a Local Government may issue general orders under this Article in regard to any specified class of officers under training.]

Deputation out of India.

412. When an officer is deputed out of India on duty, the whole period of his absence from India counts. When an officer on leave out of India is employed, or is detained after the termination of his leave, on duty, the period of such employment or detention counts.

Recall to Duty.

413. Time spent on the voyage to India by an officer who is recalled to duty before the expiry of any recognised leave out of India counts, provided his return to duty is compulsory (*see Article 199*).

Inferior Service.

414. An Inferior servant counts leave with and without allowances not exceeding in the aggregate that which might be given with allowances under the rules in Chapters XII and XIV.

415. *Cancelled.*

SECTION III.—SUSPENSIONS, RESIGNATIONS, BREAKS, AND DEFICIENCIES IN SERVICE.

Periods of Suspension.

416. Time passed under suspension pending enquiry into conduct counts, if the suspension is immediately followed by reinstatement, but time passed under suspension adjudged as a specific penalty does not count.

417. If an officer, who has been suspended, pending enquiry into his conduct, is reinstated, but with forfeiture of any part of his allowances for the period of suspension, this period does not count (save with the special sanction of the Head of the Department), unless the authority who reinstates the officer expressly declares *at the time* that it shall count.

Resignations and Dismissals.

418. (a) Resignation of the public service, ¹(or dismissal) or removal from it for misconduct, insolvency, inefficiency not due to age, or failure to pass a prescribed examination entails forfeiture of past service.

(b) Resignation of an appointment to take up another appointment, service in which counts, is not a resignation of the public service.

419. Any authority who, on revision or appeal, reverses an order dismissing ¹(or removing) an officer, may declare that the officer's past service counts.

Interruptions.

420. An interruption in the service of an officer entails forfeiture of his past service, except in the following cases:—

(a) Authorised leave of absence.

(b) Unauthorised absence in continuation of authorised leave of absence so long as the office of the absentee is not substantively filled; if his office is substantively filled, the past service of the absentee is forfeited.

(c) Suspension immediately followed by reinstatement, which need not be to the same office.

¹ The words in brackets occurring in Articles 418 and 419 take effect from 18th June 1935.

- (d) Abolition of office or loss of appointment owing to reduction of establishment.
- (e) Transfer to non-qualifying service in an establishment under Government control. The transfer must be made by competent authority; an officer who voluntarily resigns qualifying service cannot claim the benefit of this exception. Transfer to a grant-in-aid school entails forfeiture. [*But see Example (c) of Article 386.*]
- (f) Transfer to service on the Household establishment of the Viceroy.
- (g) Time occupied in transit from one appointment to another, provided that the officer is transferred under the orders of competent authority, or, if he is a non-gazetted officer, with the consent of the head of his old office.

421. The authority who sanctions the pension may commute retrospectively periods of absence without leave into leave without allowances.

Condonation of Interruptions and Deficiencies.

422. Upon such conditions as it may think fit in each case to impose the authority competent to fill the appointment held by an officer at the time condonation is applied for, were he to vacate that appointment may condone all interruptions in his service.

NOTE.—[The powers under this Article shall be exercised subject to any rules which the Government of India may deem fit to prescribe.]

423. (1) Upon any conditions which it may think fit to impose the authority competent to sanction the pension of an officer may condone a deficiency of three months in his qualifying service.

(2) The Government of India and Provincial Governments may similarly condone a deficiency not exceeding twelve months.

(3) If an officer claiming superior service has also rendered inferior service, the Government of India or the Provincial Government under whom he is serving may condone a deficiency in his qualifying service for pension on the superior scale not exceeding one half his inferior service, subject to a maximum of twelve months in all.

423A. *Cancelled.*

Chapter XVIII.—Conditions of Grant of Pension.

SECTION I.—CLASSIFICATION OF PENSIONS.

424. Pensions for "Superior service" are divided into four classes, the rules for which are prescribed in the following Sections of this Chapter :—

- (a) Compensation pensions (see Section II).

- (b) Invalid pensions (see Section III).
- (c) Superannuation pensions (see Section IV).
- (d) Retiring pensions (see Section V).

425. Pensions for "Inferior service" are regulated by Articles 481 to 485.

SECTION II.—COMPENSATION PENSION.

¹426. If an officer is selected for discharge owing to the abolition of his permanent post, he shall, unless he is appointed to another post the conditions of which are deemed to be at least equal to those of his own, have the option—

- (a) of taking any compensation pension or gratuity to which he may be entitled for the service he has rendered, or
- (b) of accepting another appointment on such pay as may be offered, and continuing to count his previous service for pension.

²426. If an officer is selected for discharge owing to the abolition of a permanent post, he shall, unless he is appointed to another post the conditions of which are deemed by authority competent to discharge him to be at least equal to those of his own, have the option—

- (a) of taking any compensation pension or gratuity to which he may be entitled for the service he has already rendered, or
- (b) of accepting another appointment or transfer to another establishment even on a lower pay, if offered, and continuing to count his previous service for pension.

427. Cancelled. [with effect from 9th June 1937.]

Selection for Discharge.

428. The selection of the officers to be discharged upon the reduction of an establishment should *primâ facie* be so made that the least charge for Compensation pension will be incurred.

429. The discharge of one officer to make room for another better qualified is not the abolition of an appointment within the meaning of Article 426; the abolition must produce a real saving to Government. Particulars of the saving effected should be fully set forth in every application for Compensation pension. The saving should always exceed the cost of the pension; otherwise it may perhaps be better to

¹ This applies to officers under the rule-making control of the Secretary of State and takes effect from the 9th June 1937.

² This applies to officers under the rule-making control of the Central Government and takes effect from the 9th June 1937.

postpone the reduction of establishment or abolition of appointment.
(See orders printed as Appendix 8.)

NOTE.—[The relaxation of the condition laid down in this Article requires the sanction of the Provincial Government in respect of appointments which it is competent to abolish, and otherwise of the Government of India.]

Restrictions.

430. A Deputy Collector, Munsiff, or similar officer who belongs to the public service apart from his particular local appointments cannot obtain a compensation pension on the abolition of a particular appointment.

431. No pension is admissible to an officer for the loss of an appointment on discharge after the completion of a specified term of service.

432. No pension may be awarded for the loss of a duty or local allowance.

433. Schoolmasters or other officers who, in addition to their other duties, are employed in any capacity in the Postal Department, are not entitled to Compensation pension on being relieved of such duties.

Special Cases.

434. If it is necessary to discharge an officer in consequence of a change in the nature of the duties of his office, the case should be referred to the Local Government, who will deal with it in accordance with the rules laid down in this Section as to notice of discharge and compensation pension or gratuity.

435. If of two appointments held by one officer only one is abolished and it is desired to give him an immediate pension in respect of the abolished post, the case should be specially referred for the orders of the Government of India or of the Provincial Government competent to abolish the appointment.

Notice of Discharge.

436. Reasonable notice should be given to an officer in permanent employ before his services are dispensed with on the abolition of his office. If, in any case, notice of at least three months is not given, and the officer has not been provided with other employment on the date on which his services are dispensed with, then, with the sanction of the authority competent to dispense with the officer's services, a gratuity not exceeding his emoluments for the period by which the notice actually given to him falls short of three months, may be paid to him, in addition to the pension to which he may be entitled under Articles 474 to 481; but the pension shall not be payable for the period in respect of which he receives a gratuity in lieu of notice.

1. The gratuity prescribed in this Article is not granted as compensation for loss of employment but only in lieu of notice of discharge, with a view to mitigate

the hardship caused to an officer by the sudden loss of employment. When, therefore, an officer discharged without notice is provided with some other employment on the date on which his services are dispensed with, whether that employment be in qualifying or non-qualifying service, he is not entitled to any gratuity.

2. Unless it contains an express statement to the contrary, an order for the abolition of an office or appointment shall not be brought into operation till the expiry of three months after notice has been given to the officers whose services are to be dispensed with on such abolition. The immediate head of the office or the department will be held responsible that there is no unnecessary delay in giving such notice. In the case of an officer on leave, the order shall not be brought into operation until the leave expires.

NOTE.—[“Emoluments” in this rule means the emoluments or leave allowances (or partly the one, partly the other) which the officer would be receiving during the period in question had the notice not been given him.]

436A. Whenever it is found necessary to determine the service of an officer serving under a contract within the period of his agreement, a specific intimation of the determination of the agreement and of the grounds on which it has been determined shall be furnished to the officer in writing.

Offer of Re-employment.

437. Cancelled. [With effect from the 9th June 1937.]

438. The rule in Articles 511 and 512, requiring the refund of a Compensation gratuity on re-employment, applies to a gratuity awarded under Article 436, if the officer is permanently re-employed within three months from the date of notice. But the officer need not refund that proportion of his gratuity under this rule which the interval of his non-employment bears to the whole period for which the gratuity is given. If the officer is re-employed only temporarily, he need refund no part of his gratuity; but if such temporary employment is foreseen, the gratuity should be proportionately reduced.

439. Cancelled. [With effect from the 9th June 1937.]

Acceptance of new Appointment.

440. If an officer who is entitled to Compensation pension accepts instead another appointment in the public service, and subsequently becomes again entitled to receive a pension of any class, the amount of such pension shall not be less than he could have claimed if he had not accepted the appointment.

SECTION III.—INVALID PENSION.

441. An Invalid pension is awarded, on his retirement from the public service, to an officer who by bodily or mental infirmity is permanently incapacitated for the public service, or for the particular branch of it to which he belongs.

Rules regarding Medical Certificates.

442. If an officer applying for an Invalid pension is sixty years old or upwards, no certificate by a Medical Officer is necessary; it suffices for the head of the office to certify to the incapacity of the applicant. Otherwise incapacity for service must be established by a medical certificate attested as follows:—

(a) If the officer submitting it is on leave in England—by the Medical Board at the India Office.

(b) If he is serving at or near the capital town of a Province—by the Administrative Medical Officer of the Province, or by a Medical Committee over which the Administrative Medical Officer should, when practicable, preside.

(c) If he is an officer in Superior service, and is serving in the interior of the country under such circumstances that, in the opinion of the authority which sanctions the pension, he can be conveniently required to appear before a Medical Invaliding Committee—by such Committee.

(d) In other cases, the authority which sanctions the pension may either accept a certificate given by a single Commissioned Medical Officer or Medical Officer in charge of a civil station, or assemble a special Invaliding Committee at a convenient civil station.

(e) If the pension applied for exceeds Rs. 100 a month, a certificate by a single Medical Officer should not be accepted as sufficient, if it is possible, without undue inconvenience, to assemble an Invaliding Committee or to cause the applicant to appear before the Director-General, Indian Medical Department, or the Standing Medical Committee at the Presidency.

(f) Except in the case of an officer on leave in England, no medical certificate of incapacity for service may be granted unless the applicant produces a letter to show that the head of his office or department is aware of his intention to appear before the Medical Officer. The Medical Officer shall also be supplied by the head of the office or department in which the applicant is employed, with a statement of what appears from official records to be the applicant's age. Where the applicant has a service book, the age there recorded should be reported.

(g) In the case of civilians in the various administrative services and departments of the Indian Army including the Military Accounts Department who, under an agreement, are liable for field service, incapacity for service must be established by a military medical board the members of which will attest the medical certificate.

443. (a) A succinct statement of the medical case, and of the treatment adopted, should, if possible, be appended.

(b) If the Examining Medical Officer, although unable to discover any specific disease in the officer, considers him incapacitated for further service by general debility while still under the age of fifty-five years, he should give detailed reasons for his opinion, and, if possible, a second medical opinion should always in such a case be obtained.

(c) In a case of this kind, special explanation will be expected from the head of the office or department of the grounds on which it is proposed to invalid the officer.

444. A simple certificate that inefficiency is due to old age or natural decay from advancing years, is not sufficient in the case of an officer whose recorded age is less than fifty-five years, but a Medical Officer is at liberty, when certifying that the officer is incapacitated for further service by general debility, to state his reasons for believing the age to be understated.

Form of Medical Certificate in England.

445. The form of the medical certificate given by the Medical Board attached to the India Office, respecting an officer applying for pension in England is as follows :—

“We have carefully examined Mr.

Taking into account all the facts of the case as well as his present condition, we consider that he is incapable of discharging the duties of his situation, and that such incapability is likely to be permanent. We therefore recommend that he be permitted to retire from the service of Government on the pension or gratuity for which he may be eligible.”

446. If any doubt arises regarding the validity of a certificate by the Medical Board attached to the India Office, the Audit Officer must not of his own motion reject the certificate as invalid, but must submit the matter for the decision of the Local Government.

NOTE.—[The Local Government may delegate its power under this Article to Heads of Departments.]

Form of Medical Certificate in India.

447. (a) The form of the certificate to be given respecting an officer applying for pension in India is as follows :—

Certified that I (we) have carefully examined A B son of C D,
a _____ in the _____
_____ His age is by his own statement _____
_____ years, and by appearance about _____ years.
I (we) consider A B, to be completely and permanently

incapacitated for further service of any kind [or in the Department to which he belongs] in consequence of (*here state disease or cause*). His incapacity does not appear to me (us) to have been caused by irregular or intemperate habits.

NOTE.—[If the incapacity is obviously the result of intemperance, substitute for the last sentence: "In my (our) opinion, his incapacity is the result of irregular or intemperate habits."]

(If the incapacity does not appear to be complete and permanent, the certificate should be modified accordingly and the following addition should be made:) I am (we are) of opinion that A B, is fit for further service of a less laborious character than that which he has been doing [or may, after resting for———months, be fit for further service of a less laborious character than that which he has been doing.]

(b) The object of the alternative certificate (of partial incapacity) is that an officer should, if possible, be employed even on lower pay, so that the expense of pensioning him may be avoided. If there be no means of employing him even on lower pay, then he may be admitted to pension; but it should be considered whether, in view of his capacity for partially earning a living, it is necessary to grant to him the full pension admissible under rule. [The principle of Article 427 must always be carefully borne in mind.]

447A. (a) In the case of civilians in the various administrative services and departments of the Indian Army including the Military Accounts Department who, under an agreement, are liable for field service, and whose continuous and pensionable service is not more than 20 years, the medical certificate will take the following form if the officer is incapacitated from permanent physical unfitness to fulfil his field service obligations but is not completely incapacitated for ordinary service :—

Certified that I (we) have carefully examined A B, son of C D, a —— in the —— . His age is by his own statement —— years and by appearance about —— years. I (we) consider A B, to be incapacitated for further service in the —— in consequence of (*here state disease, etc.*) which renders him permanently unfit physically for field service. I am (we are) of opinion that A B, is fit for further service in any department or service of Government in which liability for field service

¹ The words in brackets occurring in Article 448 (b) do not apply to officers under the rule-making control of the Central Government.

is not a condition of employment. His incapacity does not appear to me (us) to have been caused by irregular or intemperate habits.

NOTE.—[If the incapacity is obviously the result of intemperance, the following will be substituted for the last sentence: "In my (our) opinion his incapacity is the result of irregular or intemperate habits."]

(b) The above certificate does not give an officer any right of transfer to any other Government service or department; and an officer invalidated on a certificate in this form will receive either full pension admissible under rule or such smaller amount as may be decided by the authority empowered to sanction the pension.

Signallers in the Telegraph Department.

448. (a) In the case of Signallers in the Indian and Indo-European Telegraph Departments the medical certificate prescribed by Article 447 may, if it is found after medical examination that it cannot be granted, be dispensed with in special cases when inefficiency is not the result of misconduct, and instead of it two certificates—

- (i) one in form A signed by two superior officers of the Telegraph Department; and
- (ii) the other in form B signed by the Director-General of Telegraphs—may be substituted.

FORM A. "We certify that, after a perusal of the records of A B's service and of the report of his immediate superior during the last twelve months of his service, we are satisfied that he is permanently incapacitated for the duties of a Signaller in the Telegraph Department."

FORM B. "After a careful consideration of A B's case, I concur with Messrs. C and D in thinking that he is permanently incapacitated for the duties of a Signaller in the Telegraph Department and accordingly recommend that he may be permitted to retire on the pension or gratuity for which he may be found eligible."

(b) The practice enjoined in Article 447 (b) [and 453]¹ of re-employing pensioners should be carefully followed as far as practicable in these cases.

(c) Officers permitted to retire under this Article may be granted a pension or gratuity of only four-fifths of the amount that would be admissible for a man permanently unfit for any duty.

NOTE.—[This Article applies only to men who are "Signallers," including in that term Telegraph Masters who are members of the signalling staff, when they retire.]

¹ The words in brackets occurring in Article 448 (b) do not apply to officers under the rule-making control of the Central Government.

Special Precautions in the Police.

449. District Superintendents of Police should be on their guard against endeavours to retire on Invalid pension by officers who are capable of serving longer.

450. Medical Officers should confine themselves to recommending leave to such policemen as are not likely to benefit by a further stay in hospital and should not certify that a policeman is incapacitated for further service unless they are officially requested to report upon his incapacity for further service.

451. Medical Officers should be specially searching in their examination of the physical unfitness of every applicant for pension, and, whenever the number of applicants for pensions is large, the examination should, if possible, be conducted by two Medical Officers.

Restrictions.

452. An officer discharged on other grounds has no claim under Article 441, even although he can produce medical evidence of incapacity for service.

453. *Cancelled.*

454. If the incapacity is directly due to irregular or intemperate habits, no pension can be granted. If it has not been directly caused by such habits, but has been accelerated or aggravated by them, it will be for the authority by which the pension is grantable to decide what reduction should be made on this account.

Applicant to be discharged.

455. An officer who has submitted under Article 442 a medical certificate of incapacity for further service, must not (except for special reasons to be reported to the Local Government) be retained in active service pending a decision on his application for pension, nor can he obtain leave of absence.

Without the special orders of the authority which has power to sanction the pension, service after the date of such medical certificate does not count for pension.

456. The object of Article 455 is to discourage tentative applications; but an inferior servant (including in that term a Police officer whose pay does not exceed Rs. 20) who, in the opinion of the head of his office, is fit for light work may be retained in employment till his pension is sanctioned, provided that his place is not filled up till he retires, and that his service counts only to the date of his medical certificate.

457. Article 455 refers only to the retention in *active* service of an officer who has furnished a medical certificate in support of an

application for Invalid pension or gratuity while in India. The retirement of an officer who is absent on leave other than Privilege leave, when such certificate is submitted, may have effect from the termination of his leave, and the officer may continue to draw leave allowance to the end of his leave.

SECTION IV.—SUPERANNUATION PENSION.

458. A Superannuation pension is granted to an officer in superior service entitled or compelled, by rule, to retire at a particular age.

459. (a) Ministerial officers who have attained the age of 55 may be required to retire, but should ordinarily be retained in service so long as they remain efficient until they come under the provisions of clause (c).

(b) Officers, other than ministerial, who have attained the age of 55, should ordinarily be required to retire, and should not be retained in service except where unquestionable public grounds for retention exist which must be recorded in writing, and there is no doubt as to the physical fitness of the officer.

(c) Each officer's case should be taken up when he is approaching the age of 55 and before the expiry of each extension of service. Extensions may not be granted for any period exceeding one year at one time.

(d) The powers given by the preceding clauses may be exercised by the authority competent to fill the appointment (if vacant) of the officer who is required to retire or retained in service.

(e) An officer who has attained the age of 60 cannot be retained in the service of Government save in very exceptional circumstances, and with the sanction of the Local Government.

(f) No claim to compensation from an officer who is required to retire under the provisions of this Article will be entertained.

NOTE.—[The provisions of this Article do not apply to officers referred to in the Note under Article 550.]

460. An officer, who is compelled to retire under the preceding Article, or who retires voluntarily under Article 464, and part of whose service has been Inferior, is entitled to pension on the same conditions as if he had been invalided under Article 481, and to the option allowed by Article 398.

461 and 462. *Cancelled.*

Procedure.

463. With a view to the issue of necessary orders as to retention or otherwise of officers to whom Article 459 (b) applies (*i.e.*, officers other than ministerial), the Audit Officer should on or about the 1st of

September in each year submit to the authorities concerned a list of those who will attain the age of 55, or complete the term for which extension has been allowed, during the next official year. The Audit Officer should similarly submit to the authorities concerned on or about the 1st of September in each year a list of ministerial officers who will attain the age of 60 during the next official year, should the Local Government or the Head of an Imperial Department so direct.

Optional Retirement at Fifty-five.

464. An officer in Superior service who has attained the age of 55 years may, at his option, retire on a Superannuation pension.

SECTION V.—RETIRING PENSION.

465. A retiring pension is granted to an officer who is permitted to retire after completing qualifying Superior service for thirty years or such less time as may for any special class of officers be prescribed.

465A. For officers mentioned in Article 349-A, the rule for the grant of retiring pension is as follows :

- (1) An officer is entitled, on his resignation being accepted, to a retiring pension after completing qualifying service of not less than 25 years or in the case of officers of Imperial Services of the Forest, Geological Survey, Public Works, Railway and Telegraph Departments and any others covered by Article 635 who entered the service before the 6th day of December, 1932, not less than twenty years.
- (2) A retiring pension is also granted to an officer who is required by Government to retire after completing twenty-five years' qualifying service or more.

NOTE 1.—[Government retains an absolute right to retire any officer after he has completed twenty-five years' qualifying service without giving any reasons, and no claim to special compensation on this account will be entertained. This right will not be exercised except when it is in the public interest to dispense with the further services of an officer.]

NOTE 2.—[In the case of an officer who was in the service on or before the 15th November 1919 and who fulfils the conditions of clause (1) of this Article, acceptance of his resignation will in no circumstances be deferred beyond a period of six months from the date on which his application to resign was submitted.]

466. (*See* Article 509-A.)

Combined Appointments.

467. An officer holding two or more separate appointments may not, save with the express sanction of the Government of India in the Finance Department, or if pensions are a Provincial charge, of the Provincial Government, resign one or more of such appointments on a pension, without retiring from the public service altogether. There is no objection to his being relieved from one or more of such appointments at any time, without being compelled to leave the service

altogether; but in such case, any pension admissible to him for service in the office or offices from which he is relieved, will be deferred until he finally retires.

NOTE.—[The Government of India may delegate its power under this Article to Minor Local Governments and Heads of Departments. A Provincial Government also may delegate its power to Heads of Departments.]

Chapter XIX.—Amount of Pensions.

SECTION I.—GENERAL RULES.

468. The amount of pension that may be granted is determined by length of service as set forth in Articles 474 to 485. Fractions of a year are not taken into account in the calculation of any pension admissible to an officer under this part of these Regulations.

468A. Pensions fixed in rupees should be calculated to the nearest anna, that is, where the exact amount works out to six pies or more, it should be taken to the next higher anna, amounts below six pies being disregarded.

NOTE.—[This rule applies to all pensions granted under these Regulations.]

Currency.

469. A pension is fixed in rupees, and not in sterling money, even though it is to be paid in England.

Award of Full Pension.

470. (a) The full pension admissible under the rules is not to be given as a matter of course, or unless the service rendered has been really approved. (*See Appendix 9.*)

(b) If the service has not been thoroughly satisfactory, the authority sanctioning the pension should make such reduction in the amount as it thinks proper.

Limitations.

471. An officer entitled to pension may not take a gratuity instead of pension.

NOTE.—[*See Note 2 under Article 807.*]

472. In the case of an officer who has any service under the Imperial (British) Government, pension from Indian Revenues should not be fixed until it has been ascertained whether any pension is payable from Imperial funds in respect of the service under the British Government.

473. An officer, not being a Military officer or a member of the Indian Civil Service, transferred to service under the Government of a Dominion, Crown Colony, Protectorate or a Territory mandated to the British Government, on final retirement from such service on

pension or compensation allowance, may be granted from Indian revenues a pension equal to the pension which would have been admissible if he had been invalided from the service at the date of his transfer, or, if no such pension would have been admissible, a pension of one sixtieth of his average emoluments for each completed year of qualifying service, such average emoluments to be calculated for the last three years or, if the whole service in India is less than three years, for the whole period of service.

NOTE.—The sanction of the Government of India is required to the transfer of an officer to any service of the description mentioned in this Article.

SECTION II.—AMOUNT OF SUPERIOR PENSION.

NOTE.—[The rules in this Section are to be read as superseded by Rules 13 and 14 of the 'Superior Civil Services (Revision of Pay, Passage and Pension) Rules, 1924,' to the extent indicated in those rules.]

474. The amount of a pension is regulated as follows :—

(a) After a service of less than ten years, a gratuity not exceeding (except in special cases, and under the orders of the Government of India, up to a maximum of 12 months' emoluments) one month's emoluments for each completed year of service. If the emoluments of the officer have been reduced during the last three years of his service, otherwise than as a penalty, average emoluments may, at the discretion of the authority which has power to sanction the gratuity, be substituted for emoluments.

(b) After a service of not less than ten years a pension not exceeding the following amounts :—

Years of completed service.	Scale of pension.	Maximum limit of pension.	
		Rs.	Rs.
10	10 sixtieths of average emoluments	2,000 a year, or 166½ a month.	
11	11 " " "	2,200	183½ "
12	12 " " "	2,400	200 "
13	13 " " "	2,600	216½ "
14	14 " " "	2,800	233½ "
15	15 " " "	3,000	250 "
16	16 " " "	3,200	266½ "
17	17 " " "	3,400	283½ "
18	18 " " "	3,600	300 "
19	19 " " "	3,800	316½ "
20	20 " " "	4,000	333½ "
21	21 " " "	4,200	350 "
22	22 " " "	4,400	366½ "
23	23 " " "	4,600	383½ "
24	24 " " "	4,800	400 "
25 and above 30	" " "	5,000	416½ "

NOTE :—[For the precise meaning of average emoluments, see Articles 486 and 487.]

474A. For officers mentioned in Article 349-A, the amount of pension is regulated as follows :—

(i) Officers of the Imperial Services of the Forests, Geological Survey, Public Works, Railway and Telegraph Departments and any others covered by Article 635 who entered service before the 6th day of December, 1932.

(a) *For invalid, (superannuation and compensation) pensions—

Up to 24 years of completed service,—as in Article 474; thereafter,—

Years of completed service.	Scale of pension.			Maximum limit of pension.	
				Rs.	Rs.
25	30	sixtieths of average emoluments		5,000 a year, or 416 $\frac{2}{3}$ a month.	
26	30	" " "		5,200 "	433 $\frac{1}{3}$ "
27	30	" " "		5,400 "	450 "
28	30	" " "		5,600 "	466 $\frac{2}{3}$ "
29	30	" " "		5,800 "	483 $\frac{1}{3}$ "
30 and above 30	"	" " "		6,000 "	500 "

(b) †For (retiring) pensions—

Up to 19 years of completed service,—as in Article 474; thereafter,—

Years of completed service.	Scale of pension.			Maximum limit of pension.	
				Rs.	Rs.
20—24	30	sixtieths of average emoluments		4,000 a year, or 333 $\frac{1}{3}$ a month.	
25	30	" " "		5,000 "	416 $\frac{2}{3}$ "
26	30	" " "		5,200 "	433 $\frac{1}{3}$ "
27	30	" " "		5,400 "	450 "
28	30	" " "		5,600 "	466 $\frac{2}{3}$ "
29	30	" " "		5,800 "	483 $\frac{1}{3}$ "
30 and above 30	"	" " "		6,000 "	500 "

‡ NOTE.—[In the case of an officer with 20—24 years of completed service who enters service before the 22nd April 1939, the amount of superannuation or compensation pension will be 30/60ths of average emoluments, subject to a maximum limit of Rs. 4,000 a year if this rate is more advantageous than that admissible under sub-clause (a).]

* The words within brackets in sub-clause (a) under clause (i) of Article 474-A were inserted with effect from 22nd April 1939.

† The word within brackets in sub-clause (b) under clause (i) of Article 474-A was substantial for the word "Other" with effect from 22nd April 1939.

‡ The Note under sub-clause (b) of clause (i) of Article 474-A, takes effect from 22nd April 1939.

(ii) Other Officers :—

(a) For retiring pensions—

Up to 24 years of completed service,—as in Article 474; thereafter,—

Years of completed service.	Scale of pension.		Maximum limit of pension.	
			Rs.	Rs.
25	25	sixtieths of average emoluments	5,000 a year, or 416 $\frac{2}{3}$	a month.
26	26	" " "	5,200	433 $\frac{1}{3}$ "
27	27	" " "	5,400	450 "
28	28	" " "	5,600	466 $\frac{2}{3}$ "
29	29	" " "	5,800	483 $\frac{1}{3}$ "
30 and above 30	"	" " "	6,000	500 "

(b) For other pensions—

Up to 25 years of completed service,—as in Article 474; thereafter,—

Years of completed service.	Scale of pension.		Maximum limit of pension.	
			Rs.	Rs.
26	30	sixtieths of average emoluments	5,200 a year, or 433 $\frac{1}{3}$	a month.
27	30	" " "	5,400	450 "
28	30	" " "	5,600	466 $\frac{2}{3}$ "
29	30	" " "	5,800	483 $\frac{1}{3}$ "
30 and above 30	"	" " "	6,000	500 "

475. Officers holding any of the appointments enumerated below and belonging to what was formerly termed the Uncovenanted Service, may be allowed by the Local Government an additional pension of Rs. 1,000 a year, provided that they have rendered not less than three years of effective service (that is, service of the same nature as that which, under the provisions of Article 644, counts for the special pensions admissible under Article 642) in such appointment, and provided also that in each case during such service the officer has shown such special energy and efficiency as may be considered deserving of the concession. In the case of officers entering Government service after the 31st December 1909, the grant of the additional pension is subject to the further condition that they must, in the event of voluntary retirement, have completed twenty-eight years of qualifying service. The same rule applies to officers of the Forest Department who entered Government service on or before the 31st December 1909 (including those who were appointed on probation on or before that date), with the exception of those who have, at the time of their retirement, rendered three years' active service on not less than the maximum pay of a Conservator. Voluntary retirement for the purpose of this rule should be taken as retirement under Article 465.

REGISTRATION DEPARTMENT.—Inspectors-General under Local Governments, but not under Chief Commissionerships.

POLICE DEPARTMENT.—Inspectors-General and Deputy Inspectors-General under Local Governments and Administrations, and the Commissioners of Police, Calcutta, Madras, Rangoon and Bombay.

JAIL DEPARTMENT.—Inspectors-General under Local Governments, but not under Chief Commissionerships.

EDUCATION DEPARTMENT.—Directors of Public Instruction under Local Governments and Administrations.

ACCOUNTS DEPARTMENT (CIVIL).—

(a) Auditor General and Accountants General.

(b) (i) In the case of officers of the late Enrolled List now employed in the Indian Finance Department who have not elected the scale of pay sanctioned in the Secretary of State's Despatch No. 51-Financial, dated the 11th May 1906—Deputy Comptroller General; Deputy Auditors General; †Comptroller, India Treasuries; and ‡Comptroller, Central Provinces.

(ii) In the case of other officers of the Indian Finance Department—Appointments in class I of the Department (including those in class I of the late Enrolled List and in class I of the late Superior Accounts Branch of the Public Works Departments).*

* Mr. T. Ryan is subject to the special rule in Article 642 of these Regulations.

ACCOUNTS DEPARTMENT (MILITARY).—Military Accountant General and Controllers of Military Accounts.

§INDIAN POSTS AND TELEGRAPHS DEPARTMENT.—Posts included in the Schedule of appointments carrying additional pensions below Article 475-A.

AGRICULTURAL DEPARTMENT.—Agricultural Adviser to the Government of India.

FOREST DEPARTMENT.—Inspector-General of Forests, and Conservators.

ARCHAEOLOGICAL DEPARTMENT.—Director-General.

GEOLOGICAL SURVEY DEPARTMENT.—Director.

SURVEY DEPARTMENT.—Surveyor General and Superintendents of Circles.

METEOROLOGICAL DEPARTMENT.—Director-General of Observatories.

POLITICAL DEPARTMENT.—Officers of the rank of Resident in the graded list of the Political Department.

GENERAL ADMINISTRATION.—Commissioners of Divisions.

JUDICIAL DEPARTMENT.—Divisional Judges of the first grade in Burma.

CRIMINAL INTELLIGENCE DEPARTMENT.—Deputy Director of Criminal Intelligence.

LAND REVENUE DEPARTMENT.—Settlement Commissioner and Director of Land Records in Burma.

IMPERIAL CUSTOMS DEPARTMENT.—Collectors.

PRINTING, STATIONERY AND STAMPS DEPARTMENT.—Controller.¶

NOTE 1.—[See special addition to the form of certificate in Form No. 26 (Pension).]

¶NOTE 2.—[The provisions of this Article apply to Telegraph officers appointed on or after 1st April 1914.]

NOTE 3.—Cancelled. [With effect from the 11th March 1931].

****475A.** For officers mentioned in Article 349-A, the rule for the grant of special additional pensions is as follows:—

(1) Officers who have held posts listed in the lower grade in the Schedule below may be allowed by the Local Government an additional

¶Now styled Accountant-General, Central Provinces.

†Now styled Accountant-General, Central Revenues.

§This revised entry has effect from the 11th March 1931.

¶¶Now styled Controller, Printing and Stationery.

¶¶The words "and.....Traffic" were deleted from this Note with effect from the 11th March 1931.

****This revised Article takes effect from the 26th January 1938**

pension at the rate of Rs. 300 a year for each completed year of effective service in any post included in that grade, provided that no officer may draw an additional pension in excess of Rs. 1,500 in respect of service classed in the lower grade.

(2) Officers who have held posts listed in the upper grade in the Schedule below may be allowed by the Local Government an additional pension of Rs. 500 a year for each completed year of effective service in any post included in that grade, provided that no officer may draw an additional pension in excess of Rs. 2,500 in respect of service rendered in the lower and upper grades combined or in the upper grade alone. In the case of an officer who has earned an additional pension both in the upper and in the lower grade, service for any broken period of a year in the upper grade may count as service in the lower grade if the pension of the officer is increased thereby.

(3) An officer who has held a temporary post which has been declared by the authority competent to create the post as carrying similar duties and responsibilities, and which carries the same rate of pay as a post listed in the Schedule below, may be allowed by the Local Government an additional pension in respect of that post at the rate and subject to the conditions prescribed in clause (1) or (2) of this Article, as the case may be.

(4) For the purpose of clauses (1), (2) and (3) of this Article, the expression "effective service" includes besides periods of duty in a post referred to in these Clauses

(i) duty performed—

- (a) in a post of corresponding rank and responsibility in foreign service, or
- (b) on deputation on special duty, or
- (c) in a temporary post, or
- (d) in a permanent post in an officiating capacity, to which an officer is transferred or appointed whilst holding the post mentioned in clause (1), (2) or (3); if, in the case of an officer who held a post mentioned in clause (1) or (2) in an officiating capacity, or of an officer who held a post mentioned in clause (3), the Local Government certifies that he would, if he had not been so transferred or appointed, have continued to officiate in or hold the post concerned.

(ii) Privilege leave or leave under the Fundamental Rules corresponding to privilege leave for the purpose of calculating service for pension taken by the officer during his service in a post mentioned in clause (1), (2) or (3),

or during the period of duty covered by sub-clause (i) of this clause, if in the case of an officer who has held a post mentioned in clause (1) or (2) in an officiating capacity, or who has held a post mentioned in clause (3), the Local Government certifies that he would, if he had not proceeded on leave, have continued to officiate in the post mentioned in clause (1) or (2), or have held a post mentioned in clause (3).

(5) An officer of pensionable status who has held a post in foreign service with a State-owned Railway worked by a Company, which is certified by the Government of India to correspond in rank and responsibility with a State Railway [1] post listed in the Schedule below, may be allowed by the Government of India a special additional pension in respect of that [1] post at the rates and subject to the conditions prescribed in clause (1) or (2) of this Article, as the case may be.

Provided that, for the purpose of this clause 'effective service' means duty (including privilege leave or leave under the Fundamental Rules corresponding to privilege leave for the purpose of calculating service for pension) in a foreign service post.

(6) An officer who has received under the second proviso to Fundamental Rule 30 (1) or under Fundamental Rule 113, officiating promotion to one of the posts listed in the Schedule below or in whose case the Local Government certifies that he would have received such promotion had he not been on special duty or held a temporary post, may be allowed by the Local Government an additional pension at the rates and subject to the conditions prescribed in clause (1) or clause (2) of this Article, as the case may be, as though he had held during the period for which he officiated or would have officiated, a post listed in the Schedule.

NOTE.—[For the purpose of this clause the period of officiating promotion includes any privilege leave or leave under the Fundamental Rules corresponding to privilege leave for the purpose of calculating service for pension taken during the period, but no other leave, if the local Government certifies that, had the officer not been on leave, he would have continued in the same capacity.]

(7) These pensions will be awarded only to officers who have shown such special energy and efficiency as may be considered deserving of the concession.

(8) In the case of officers entering Government service after the 31st December 1909, other than officers of the Indian Forest Service who were appointed on probation on or before that date, the grant of the additional pension is subject to the condition that they must in the event of voluntary retirement have completed 28 years of qualifying service. Voluntary retirement for the purpose of this rule should be taken as retirement under Articles 464 and 465A (1).

SCHEDULE OF APPOINTMENTS CARRYING ADDITIONAL PENSIONS.

A.—Upper Grade.

*Directors of Public Instruction in Madras, Bombay, Bengal, United Provinces, Punjab, Bihar, Burma, Central Provinces and Assam;

Vice-Chancellors of Universities (if in pensionable service).

Director-General, Archaeology.

Director-General of Observatories.

Financial Commissioner, Railways—if a member of the Indian Audit and Accounts Service.

State Railway Members of the Railway Board.	} If in pensionable service.
Agents of State Railways.	

Secretary, Railway Board.

Chief Engineers, Railways.

Director of Civil Engineering, Director of Mechanical Engineering, Director of Traffic and Establishment.

Director of Finance, Railway Board.

Chief Operating Superintendent.

Controller of Stores, State Railways.

¹ [Controller of Railway Accounts.	} If in pensionable service.]
Director, Clearing Accounts Office.	
Chief Accounts Officer.	

Chief Controller, Standardisation, if in pensionable service.

All officers (other than Military Officers and members of the Indian Civil Service) holding Indian Civil Service posts of the rank of, or higher in rank than that of, a Commissioner of a Division or a District and Sessions Judge in the selection grade.

An officer of the Burma Frontier Service holding the appointment of Commissioner, Frontier Division.

*The Director of Public Instruction, Assam, gets the benefit of additional pension under A-Grade from the 3rd June 1935, previous to which the post was included in B-Grade. The amendment by the omission of the words "and Orissa" after the word "Bihar" was made by the Secretary of State with effect from the 20th April 1938.

¹[Shall have effect from the dates the posts were or will be created.

Inspectors General of Police (except Inspector General, Railway Police, Rajputana).

Director, Central Intelligence Department.

Commissioners of Police, Calcutta and Bombay.

§Inspectors General of Prisons, Bengal, Madras, Bombay, United Provinces, Burma, Punjab, Bihar and Central Provinces.

Surveyor-General.

Director, Imperial Institute of Agricultural Research, Pusa, when the post is held by an officer in pensionable service.

Directors of Agriculture, Bengal, Madras, Bombay, the United Provinces, the Punjab and Burma, when the posts are held by members of the Indian Agricultural Service.

Principal Administrative Officer, Agricultural Expert and Veterinary Expert of the Imperial Council of Agricultural Research, when the posts are held by officers in pensionable service.

Inspector General of Forests and President of the Forest Research Institute, Dehra Dun.

Chief Conservators of Forests.

Vice-President, Forest Research Institute, Dehra Dun.

Settlement Commissioner, Burma.

Chief Engineers, Public Works Department.

Director-General of Posts and Telegraphs.

Chief Engineer, Posts and Telegraphs.

*Senior and other Deputy Directors-General in the Indian Posts and Telegraphs Department.

*Postmaster-General.

†Finance Officer, Posts and Telegraphs.

‡Financial Adviser, Communications (while held by Mr. Ghulam Mohammad).

* Take effect from 1st March 1930 previous to which date there was an entry 'Postmasters General and Deputy Director General of Post Office' in the Lower Grade.

† Takes effect from the 1st July 1936.

‡ Made by the Governor General in Council with effect from 1st June 1940. Prior to this it stood in the forms of "Finance Office, Communications" between the dates 1st October 1937 and 12th April 1939, and "Finance Officer, Communications (while held by Mr. Ghulam Mohammad)" between 13th April 1939 and 31st May 1940.

§ The amendment by the omission of the words "and Orissa" after the word "Bihar" was made by the Secretary of State with effect from the 20th April 1938.

Director, Geological Survey.

Auditor General.

Controller of the Currency.

Deputy Controller of the Currency, Bombay.

¹ Appointments in the Indian Audit and Accounts Service of Accountant General's grade.

Mint Masters.

Military Accountant General.

Secretary to the Government of India, Department of Education Health and Lands.

High Court and Chief Court Judges, Judicial Commissioners and Additional Judicial Commissioners, who may take a pension under the rules in this Part of the Regulations.

Officers of the Provincial Civil Services holding the post of Resident of the 1st class or of the 2nd class in the Political Department of the Government of India.

Member, Central Board of Revenue.

Commissioners of Income-Tax, Bombay and Bengal.

Collectors, Imperial Customs Service.

Director of Commercial Audit.

² Chief Inspector of Mines in India.

Director of Civil Aviation in India.

B.—Lower Grade.

³ Educational Commissioner, Government of India.

Officers of the Indian Educational Service holding appointments, the minimum substantive pay of which is not less than Rs. 1,250 a month, exclusive of overseas pay.

Principal recruited by the Secretary of State for service at the Prince of Wales' Royal Indian Military College, Dehra Dun.

1. Takes effect from the 23rd October 1933.

2. Takes effect from the 1st October 1932, previous to which date the post was included in B Grade.

3. The entry 'Educational Commissioner, Government of India' under Schedule B takes effect from the 29th March 1932, previous to which date the post was included in A Grade.

Officers of the Indian Agricultural Service, the Indian Meteorological Service and the Civil Veterinary Department holding appointments the minimum substantive pay of which is not less than Rs. 1,250 a month, exclusive of overseas pay.

Director, Zoological Survey.

Directors of Public Instruction, North West Frontier Province and Orissa.¹

Deputy Chief Engineers, Indian Railway Service of Engineers.

Deputy Agents of State Railways.

Deputy Director of Finance, Railway Board.

Deputy Controller of Stores, State Railways.

² Deputy Chief Accounts Officers, Railways,—If in pensionable service.

Principal, Railway School of Transportation, Chandausi.

Superintendents, Watch and Ward, Great Indian Peninsula and East Indian Railways.

Chief Commercial Managers, State Railways.

Deputy Chief Commercial Manager, State Railways.

Deputy Chief Operating Superintendents, State Railways.

Divisional Superintendents—Junior and Senior, Railways.

Deputy Director, Civil Engineering.

Deputy Chief Controller, Mechanical Engineering.

Deputy Chief Controller, Civil Engineering.

Assistant Chief Controller, Equipment.

Inspector-General, Railway Police, Rajputana.

Deputy Inspectors-General of Police.

Commissioners of Police, Madras and Rangoon.

Superintendents of Police in the selection grade.

All officers (other than Military Officers and members of the Indian Civil Service) holding superior Indian Civil Service posts lower in rank than that of a Commissioner of a Division or a District and Sessions Judge in the selection grade.

An officer of the Burma Frontier Service holding one of the superior posts in the service.

¹ The Director of Public Instruction, Orissa, gets additional pension under B Grade from the 20th April 1938. (This applies to officers under the rule-making control of the Secretary of State).

² This shall have effect from the dates the posts were or will be created.

Deputy Director, Intelligence Bureau.

¹ Deputy Director, Intelligence, Government of India, Feshawar.
Inspectors-General of Registration.

² Directors, Survey of India.

Directors of Agriculture, Bihar and Orissa, Central Provinces and Assam.

Conservators of Forests.

Superintending Engineers, Public Works Department.

Chief Public Works Officer, Federated Shan States, when the post is held by an officer of Indian Service of Engineers.
[Cancelled with effect from 3rd April 1935.]

³ Principal, Thomason Civil Engineering College, Roorkee, if the appointment is held by a person appointed by the Secretary of State in Council.

Deputy Secretary to the Government of India, Public Works Department.

⁴ Deputy Director-General, Finance, Indian Posts and Telegraphs Department.

Director of Telegraph Engineering.

Director of Wireless.

Controller of Telegraph Stores. If appointed to this post before 5th February 1932.

⁵ Electrical Engineer-in-Chief in the Indian Posts and Telegraphs Department."

Superintendents, Geological Survey.

Deputy Commissioner, Northern Indian Salt Department.

Controller, Printing and Stationery.

Appointments in Class I of the Indian Audit and Accounts Service.

Budget Officer in the Government of India, Finance Department.

⁶ Financial Adviser, Communications.

⁷ Civilian Assay Masters.

Opium Agent, Ghazipur.

Command Controllers of Military Accounts.

Appointments in Class I of the Superior Staff of the Military Accounts Department.

Senior Deputy Military Accountant-General.

¹ Takes effect from the 13th November 1935.

² Takes effect from the 1st January 1926.

³ Inserted by the Secretary of State and takes effect from the 14th July 1938.

⁴ Takes effect from the 2nd January 1934.

⁵ Takes effect from the 11th November 1929.

⁶ Made by the Governor General in Council with effect from the 1st June 1940.
Prior to this it stood in the form of "Financial Officer, Communications" between the dates 13th April 1939 and 31st May 1940.

⁷ Now styled Assay Master.

Heads of Sections at the Agricultural Research Institute and College, Pusa, the Imperial Dairy Expert and the Physiological Chemists, Bangalore, provided they have completed 15 years' total service.

Deputy Financial Adviser, Military Finance.

¹ Controller of Accounts, Royal Air Force and Deputy Financial Adviser, Royal Air Force.

Deputy Chief Engineer, Telegraphs.

Director of the Agricultural Research Institute and Principal of the Agricultural College, Pusa.

Chief Judge of Small Cause Court in a Presidency town or in Rangoon when the appointment is held by an officer to whom the provisions of Chapter XXIV of these Regulations do not apply.

Chief Presidency Magistrate, Calcutta, when the post is held by a barrister.

Officers of the Provincial Civil Services holding superior posts in the cadre of the Political Department of the Government of India, lower in rank than that of Resident, 2nd Class.

Director, Indo-European Telegraph Department, Persian Section, and Director, Indo-European Telegraph Department, Persian Gulf Section

Collectors of Salt Revenue, Madras and Bombay.

Assistant Commissioners of Income-Tax, Calcutta and Bombay, on pay of which the minimum is not less than Rs. 1,500 a month.

Director of Survey in the Madras Survey Department.

Commissioners of Income-Tax, Madras, United Provinces, Punjab, Central Provinces, Bihar and Orissa and Burma.

Deputy Superintendent and Remembrancer of Legal Affairs, Bengal.

Bombay High Court, Original Side :—

Prothonotary, Testamentary and Admiralty Registrar, Master and Registrar in Equity and Commissioner for taking Accounts and local Investigations and Taxing Officer.

¹ Takes effect from 28th January 1930.

Calcutta High Court, Original Side :—

Registrar.

Master and Official Referee.

Registrar in Insolvency.

Director, Regulations and Forms, Army Department.

Government Examiner of Questioned Documents, in respect of service after the date on which he passed the efficiency bar at Rs. 1,620.

Second Solicitor to the Government of India, in respect of service after the date on which he passed the efficiency bar at Rs. 1,600.

Any pensionable appointment in a Department other than those to which the appointments included in this Schedule appertain, the minimum pay of which, excluding overseas pay, is not less than Rs. 1,250 a month, or, if no overseas pay is attached to it, Rs. 1,500 a month. An officer holding an appointment carrying overseas pay who is not himself entitled to overseas pay is, nevertheless, qualified under this entry.

NOTE.—[The Government of India may include in Schedule B any pensionable appointment which fulfils the conditions regarding minimum substantive pay contained in the last entry.]

Article 475AA. [will be inserted later.]

***Article 475AAA.**—(1) This Article shall apply to those members of the Central Services (hereinafter referred to as Pool Officers) who, having been in permanent pensionable service on the 30th September 1928, are appointed to the Finance and Commerce cadre.

(2) Pool Officers shall not be entitled to additional pension otherwise than in accordance with this Article.

(3) No Pool Officer shall be allowed an additional pension exceeding Rs. 2,500 a year.

(4) A Pool Officer who, for any period,—

(i) has held any of the posts listed in the Schedule below, or

(ii) has held any of the appointments listed in Part A of the Schedule to Article 475A, but not included in the Finance and Commerce cadre, or

(iii) has held any other appointment declared by the authority competent to create that appointment to be equivalent for purposes of this Article to the appointments listed in Part A of the Schedule to Article 475A, or

(iv) but for his appointment as a Pool Officer would have held any of the appointments listed in Part A of the Schedule to Article 475A,

may be allowed in respect of any such period an additional pension at the rate of Rs. 500 a year for each completed year of effective service [effective service in the post *actually held* during such period being taken in cases falling under sub-clause (iv)].

* This article has been made by the Governor-General in Council.

Provided that no additional pension shall be allowed in respect of any period under sub-clause (iv) for which additional pension is allowed under sub-clause (i), (ii) or (iii) of this clause.

(5) A Pool Officer who, for any period,—

(i) has held any of the appointments listed in Part B of the Schedule to Article 475A, but not included in the Finance and Commerce cadre, or

(ii) has held any other appointment declared by the authority competent to create that appointment to be equivalent for purposes of this Article to the appointments listed in Part B of the Schedule to Article 475A, or

(iii) but for his appointment as a Pool Officer would have held any of the appointments listed in Part B of the Schedule to Article 475A,

may be allowed in respect of any such period an additional pension at the rate of Rs. 300 a year for each completed year of effective service [effective service in the post *actually held* during such period being taken in cases falling under sub-clause (iii)].

Provided that no additional pension shall be allowed in respect of any period under sub-clause (iii) for which additional pension is allowed under sub-clause (i) or (ii) of this clause;

Provided further that no Pool Officer shall be allowed under this clause an additional pension exceeding Rs. 1,500 a year.

(6) The general provisions contained in Article 475A shall apply *mutatis mutandis* for the purpose of allowing additional pensions under this Article.

Schedule.

Secretary, Finance Department.

Secretary, Commerce Department.

Members, Central Board of Revenue.

Deputy Auditor General.

Financial Adviser, Military Finance.

Joint Secretary, Finance Department.

Joint Secretary, Commerce Department.

Indian Trade Commissioner, London.

475B. Special additional pensions may be granted by a Local Government to military officers on the supernumerary list who have rendered approved service in certain high civil posts, on the following conditions :—

(1) Additional pensions may be granted at the following rates :—

- (i) At the rate of £ 66 13s. 4d. a year, for each completed year, not exceeding three, of effective service in any civil post or posts carrying pay not less than Rs. 4,000 a month ;
- (ii) At the rate of £33 6s. 8d. for each year, not exceeding three, of effective service in any civil post or posts carrying pay not less than Rs. 3,000 a month ;

provided that the additional pension admissible under this rule shall not exceed £200 and that the total pension of an officer in receipt of pension under this rule shall not exceed £1,000, or, if the additional pension be wholly at the lower rate, £900.

(2) In the case of an officer serving in a qualifying post carrying progressive or time-scale pay with a maximum of Rs. 3,000 or Rs. 4,000, that portion only of his service during which he has drawn the maximum pay of the post shall qualify for additional pension at the lower or higher rate, respectively.

(3) Service in a post qualifying for the higher rate of additional pension may count for the lower rate, provided that no period of service shall count for both lower and higher rate of pension.

* (4) For the purpose of clause (1) of this Article the expression 'effective service' includes, besides periods of duty in a post referred to in that clause,

(i) duty performed—

- (a) in a post of corresponding rank and responsibility in foreign service, or
- (b) on deputation on special duty, or
- (c) in a temporary post, or
- (d) in a permanent post in an officiating capacity, to which an officer is transferred or appointed while holding the post mentioned in clause (1),

if, in the case of an officer who held the post mentioned in clause (1) in an officiating capacity, the local Government certifies that he would, if he had not been so transferred or appointed, have continued to officiate in that post.

(ii) privilege leave or leave under the Fundamental Rules corresponding to privilege for the purpose of calculating service for pension taken by the officer during his service in the

* Clauses (4) and (5) of Article 475B were inserted in their present form with effect from the 26th January 1938.

post mentioned in clause (1) or during the period of duty covered by sub-clause (i) of this clause,

if, in the case of an officer who has held the post mentioned in clause (1) in an officiating capacity, the local Government certifies that he would, if he had not proceeded on leave, have continued to officiate in that post.

* (5) An officer who has received under Fundamental Rule 113, officiating promotion to a post covered by clause (1) of this Article, or in whose case the local Government certifies that he would have received such promotion had he not been on special duty or holding a temporary post, may be allowed by the local Government an additional pension at the rates and subject to the conditions prescribed in clauses (1), (2) and (3) of this Article, as though he had held, during the period for which he officiated or would have officiated, a post covered by clause (1).

NOTE.—[For the purpose of this clause the period of officiating promotion includes any privilege leave or leave under the Fundamental Rules corresponding to privilege leave for the purpose of calculating service for pension, taken during the period, but no other leave if the local Government certifies that had the officer not been on leave, he would have continued in the same capacity.]

476. The following special scale of pension is admissible to officers appointed in England to the Imperial Services of the Forest and Geological Survey Departments before the 6th December, 1932, and who did not elect the Rules mentioned in Article 349A.

(a) After a service of less than ten years, an invalid gratuity on the scale laid down in Article 474 (a).

(b) After a service of not less than ten years less than twenty-five years, an invalid pension on the scale laid down in Article 474 (b).

(c) After a service of not less than twenty years, a retiring pension not exceeding the following amounts :—

Years of completed service.	Scale of pension.	Maximum limit of pension.	
		Rs.	Rs.
20 to 24	30 sixtieths of average emoluments	{ 4,000 a year or 333½ a month.	
25 and above			
		5,000	416½

NOTE 1.—[The rules in this Article do not apply to the following officers who have elected to remain under the rules in Articles 518 and 520 of the *Second Edition* of these Regulations :—

Forest Department.—Messrs. T. A. Hauxwell and H. S. Ker-Edie.

Geological Survey Department.—Mr. C. S. Middlemiss.]

NOTE 2.—[The corresponding rule applicable to officers mentioned in Article 349A is contained in Article 474A.]

477—480. *Cancelled.*

SECTION III.—AMOUNT OF INFERIOR PENSION.

481. For Inferior qualifying service, pension may, subject to the conditions laid down in Articles 426 to 457, be granted as follows :—

(a) Compensation and Invalid gratuity :—

after a service of less than five years—Nil.

"	"	not less than 5 years, but less than 10 years, 3 months' pay.
"	"	" " 10 " " 15 " 4 "
"	"	" " 15 " " 20 " 5 "
"	"	" " 20 " " 30 " 6 "

(b) Compensation and Invalid pension : After a service of not less than 30 years, at the following rates :—

- | | |
|---|--|
| (1) (i) Record sorters and Dufftries employed in Secretariats of the Government of India | } Half pay not exceeding Rs. 20 a month. |
| (ii) Sorters in the Imperial Library | |
| (iii) Sorters and dufftries in the Imperial Record Department | |
| (2) (i) Dufftries and record suppliers employed in the Secretariats of Local Governments and Administrations, whose service has not been expressly declared to be superior, and dufftries in the High Court, Calcutta | } Half pay not exceeding Rs. 10 a month. |
| (ii) Sarkar attached to the Public Works Department, Bengal, who draws a fixed pay of Rs. 20 a month | |
| (iii) Dufftries employed in the branches of the Army Headquarters | |
| (iv) Record Suppliers employed in Calcutta and Karachi Custom Houses *[and Record Attenders in the Madras Custom House.] | |
| (3) Jemadars employed in the Government of India Secretariats and in the several branches of the Army Headquarters and in the Royal Air Force Headquarters :— | |

Service as 1st Class Jemadar.	Pension.
Less than two years	Rs. 10 a month.
Two years or more but less than 4 years	Rs. 11 a month.
Four years or more	Rs. 12 a month.

Provided that the pension shall in no case be less than that to which a Jemadara would have been entitled had he retired as a second-class Jemadar, on his total service as Jemadar :—

Service as 2nd Class Jemadar.	Pension.
Less than one year	Rs. 8 a month.
One year or more but less than three years	Rs. 9 a month.
Three years or more but less than five years	Rs. 10 a month.
Five years or more	Rs. 11 a month.
(4) In all other cases :—Half pay not exceeding	Rs. 4 a month.

* [] The words in brackets in item (iv) of sub-clause (2) of clause (b) of Article 481 were inserted with effect from the 3rd October 1928.

482. If the pay of an officer has been reduced during the last three years of his service otherwise than as a penalty, his gratuity or pension under this Section may, at the discretion of the authority which has power to sanction it, be calculated upon the average of his pay during the last three years of his service.

Premature Invaliding.

483. An officer should not, without urgent necessity, be invalided when he has nearly completed thirty years' service: the Government cannot undertake to overlook a deficiency of service resulting from an officer being prematurely invalided. The principle of this rule applies to all analogous cases.

Military Artificers.

484. A Military Artificer whose qualifying service, on pay exceeding ten rupees, excluding interruptions of, and absence from, duty of every kind, amounts to not less than twenty-five years, may be granted a Compensation or Invalid pension not exceeding three-fourths of the pension to which he would be entitled if his service on pay exceeding ten rupees were reckoned as Superior.

Telegraph Messengers.

485. A telegraph messenger paid on the task-work system shall, for the purposes of calculating pension or gratuity, be regarded as if he drew a monthly pay equal to the average pay drawn by him during the last six months of his service. The word "pay" used in this Article means subsistence allowance *plus* task-work earnings.

SECTION IV.—ALLOWANCES RECKONED FOR PENSION.

Emoluments and Average Emoluments.

486. The term "Emoluments," when used in this Part of the Regulations, means the emoluments which the officer was receiving immediately before his retirement and includes—

- (a) Pay;
- (b) Personal allowance continues to reckon as part of "Emoluments" even when it is wholly or partly absorbed in acting allowance not so reckoning;
- (c) Fees or commission, if they are the authorised emoluments of an appointment, and are *in addition* to pay. In this case "Emoluments" means the average earnings for the last six months of service;

- (d) Charge allowance to Telegraphists in the Indian Telegraph Department and to Signallers, Inspectors and Charge Clerks in the Indo-European Telegraph Department;
- (e) Commission in the case of a Thugyi in Lower Burma. "Emoluments" in this case being held to mean the average of his monthly receipts in commission during the three years' actual service previous to retirement—but see example (3) under Article 489;
- (f) Bullock Train allowance in the Post Office Department;
- (g) Allowance attached to a Professorship or Lecturership in a Government Institution;
- (h) Acting allowances of an officer without a substantive appointment if the acting service counts under Article 371, and allowances drawn by an officer appointed provisionally under Article 89, or appointed substantively *pro tempore* under Article 90 or in an officiating capacity under the rules in Section I of Chapter VI to an office which is substantively vacant and on which no officer has a lien or to an office temporarily vacant in consequence of the absence of the permanent incumbent on leave without allowances or on transfer to foreign service.
- (i) Deputation (duty) allowances.
- (j) Duty allowances.

1. In the case of Section-writers whose service has been allowed to count for pension under special orders of the Government of India, and of Press servants whose service qualifies under Article 380 "Emoluments" means the average earnings of the last six months of service. For calculating gratuity on the Superior scale, "Emoluments" means the average earnings of the last six months in Superior service, and for calculating pension on the Inferior scale, Pay means the average earnings of the last six months in Inferior service.

*2. In the case of an officer with a substantive appointment who officiates in another appointment or holds a temporary appointment, "Emoluments" means—

- (a) the emoluments which would be taken into account under this Article in respect of the appointment in which he officiates or of the temporary appointment, as the case may be, or
- (b) the emoluments which would have been taken into account under this Article had he remained in his substantive appointment, whichever are more favourable to him.

487. The term "Average Emoluments" means the average calculated upon the last three years of service.

1. If, during the last three years of his service, an officer has been absent from duty on leave with allowances, or having been suspended, has been reinstated without forfeiture of service, his Emoluments, for the purpose of ascertaining the average, should be taken at what they would have been had he not been absent from duty or suspended: Provided always (a) that his pension must not be increased on account of increase in pay not actually drawn and (b) that an officer will not during leave be allowed to count as emoluments the sub. *pro tem.* allowances which he would have been entitled to so count under Article 486 (h) had

* Rule 2 under Article 486 takes effect from the 3rd March 1936.

he remained on duty, if another officer has been appointed *sub pro tem.* to the same appointment during the period of such leave. But if his absence on Departmental or Recess leave is reckoned as service under Article 409, only the allowances, if any, actually received during such leave should be taken into account.

2. If, during the last three years of his service, an officer has been absent from duty on leave without allowances (not counting for pension), or in inferior service, or suspended under such circumstances that the period of suspension does not count as service, the periods so passed should be disregarded in the calculation of the average, an equal period before the three years being included.

2-A.* In the case of a military officer, departmental officer, warrant or non-commissioned officer or soldier who was in civil employ on 7th June 1937 and was or may be granted a pension under military rules on or after the 30th May 1933 and whose pay has been reduced under Clause (b) of Article 526, emoluments for the purpose of ascertaining the average shall be taken at what they would have been had the pay not been reduced.

3. Excepting as provided in [rules 1, 2 and 2-A] only emoluments actually received can be included in the calculation. For example, when an officer is allowed to count time retrospectively towards increase of pay, but does not receive retrospectively the intermediate periodical increments, these intermediate increments are not reckoned in the calculations.

4. In the case of Section-writers whose service has been allowed to count for pension under special orders of the Government of India, and of Press servants whose service qualifies under Article 380, "Average Emoluments" means the average earnings of the last seventy-two months in Superior service.

NOTE 1.—[This rule applies in the case of a Press servant remunerated by a fixed rate of pay if his pay is met from the grant for piece-work.]

NOTE 2.—[Overtime earnings of Press servants paid at piece-work rates may be taken into account in calculating Average Emoluments under this rule; but such earnings must be excluded in reckoning the Average Emoluments of Press employes who draw pay at fixed rates.]

NOTE 3.—[If during the last 72 months of service a Press servant has been for some period on fixed pay and for other periods a piece-work employé, overtime earnings may be taken into account in calculating pension only for the periods during which he was remunerated at piece-work rates.]

Allowances which do not count.

488. An officer cannot count the following allowances :—

- (1) Local allowances and deputation (local) allowances;
- (2) Messing allowances, Working allowances, and Provision allowances to officers in the Marine Department;
- (3) House-rent allowance, or estimated value of free quarters;
- (4) Tour and other allowances (to officers who accompany the Viceroy or any Government);
- (5) Compensation for dearness of provisions.

Net Emoluments taken.

489. Any part of an officer's pay or emoluments, which is specially intended to provide for expenses incidental to his duty, must be excluded.

* Rule 2-A under Article 487 takes effect from 30th May 1933.

1 [] Substituted for the words "rules 1 and 2", with effect from the 30th May 1933.

The following are examples of the operation of this Article :—

- (1) When an officer's pay is intended partly to cover the expense of his providing or keeping a horse, his pay must be taken only at what it would be if it was not intended to cover such expense. When a water-carrier's pay includes provision for a bullock, his pay must be taken at what it would be if he were not required to keep a bullock.
- (2) When a consolidated pay specially includes tentage, travelling allowance, or house allowance, these must be deducted.
- (3) The commission paid to a Thugyi in Lower Burma goes in part to pay expenses incidental to his office. In calculating "Emoluments" or "Average Emoluments" for pension purposes, $2\frac{1}{2}$ per cent. on a Thugyi's commission, if the average commission of the last three years of his service exceeds Rs. 600 a year, is deducted, as representing the expenses of his office; and pension is computed upon the remainder. No deduction is made if the average commission of a Thugyi for the last three years of service does not exceed Rs. 600 a year; in such cases the pension is computed upon the total amount of such average commission.
- (4) When an officer's pay is fixed at two rates, a smaller rate during stationary duty and a higher rate during periods passed on tour or travelling, the former rate alone should be the basis of the calculation.

490. When service on temporary duty counts for pension under Article 376, the pay of the permanent appointment held by the officer, and not that drawn in respect of the temporary duty, is taken into consideration in determining the amount of pension, unless the officer draws a deputation (duty) allowance under the provisions of Article 76C or Article 81.

491. The preceding Article does not apply to an officer deputed temporarily to service in the Income Tax Department. or to an officer deputed on abolition of his appointment to special duty (*Article 397*), or to an officer who, when his appointment was abolished, was on special duty. In these cases the full allowances are counted.

Combination of Appointments.

492. If an officer has held more than one appointment, in respect of each of which, if he had held it separately and alone, pension would have been admissible to him, the pension admissible to him is the sum

of the several pensions which would have been admissible to him if he had held each office separately and alone. The consolidated pension thus admissible is subject to the limitations prescribed in Articles 474 to 480 and 481.

493. An officer is not entitled, for service in an office conjointly with another office, to any pension which would not have been admissible to him if he had held the office separately and alone.

Chapter XX.—Special Rules for the Police.

SECTION I.—EXTENT OF APPLICATION.

Government Police.

494. The rules in this Chapter apply to—

- (1) Members of Police Forces constituted under Acts XIII of 1856, XXIV of 1859, and V of 1861 of the Governor-General of India in Council, Act IV of 1866 of the Lieutenant-Governor of Bengal in Council, and Acts VII of 1867 and I of 1872 of the Governor of Bombay in Council.
- (2) The Trans-Indus Police Force, which was not organised under Act V of 1861 until the 4th August 1873, and never possessed a Superannuation Fund.
- (3) Members of the Salt Preventive Force employed on the Northern Frontier line, at the Runn Salt Works in the Bombay Presidency and on the Salt Preventive Lines on the Goa and Daman frontiers, though the Forces to which they belong are not constituted under any Act of the Legislature, and never possessed a Superannuation Fund.
- (4) Members of the Police Force serving in the Baluchistan Agency and sowars of the Somali Coast Mounted Police Force, although the Forces are not constituted under any Act of the Legislature.

Municipal Police.

495. (a) If the Police of a town are wholly supported by, and under the control of, a Municipality, the Government has no concern with their pensions.

(b) But if the Government, being interested in the efficiency of a Police Force, paid, wholly or partly, by a Municipality, the Calcutta Port Trust, or from Cantonment Funds, or from the General Revenues subsidised by a contribution from a Municipality, the Calcutta Port Trust, or from Cantonment Funds, undertakes the organisation and control of the Force, as connected with and auxiliary to the Civil Constabulary, service in such a Force qualifies, the contributions of Municipalities, the Calcutta Port Trust, or of Cantonment Funds towards the cost of the pensions of such Forces are, for the present, undetermined.

496. The Police Force in the Presidency towns of Calcutta, Madras, and Bombay, and in the Municipalities in Lower Bengal, come under clause (b) of the preceding Article.

497. *Omitted.*

Railway Police.

498. The service of members of the Railway Police, appointed and controlled by Government, qualifies, though they may be either wholly or partly paid by the Railway Companies.

SECTION II.—QUALIFYING SERVICE.

499. Service in any of the Police Forces mentioned in Article 494, after the establishment of a Superannuation Fund in the Force, qualifies.

NOTE 1.—[The Superannuation Funds were Funds to which, with the exception of certain soldiers of the Sikh Darbar and members of the Oudh Military Police, Police officers whose pay did not exceed Rs. 20 were obliged to contribute. In return for these contributions, they became entitled to pensions according to the rules of the several Funds.]

Officers whose pay exceeded Rs. 20 did not contribute, as they came under the operation of the ordinary pension rules.

By Act X of 1869 the Superannuation Funds established under Acts XXIV of 1859 and V of 1861 of the Governor-General of India in Council, and VII of 1867 of the Governor of Bombay in Council, were abolished. The Superannuation Fund, which had been established for the Madras Town Police under Act XIII of 1856, having been, by Act VIII of 1867 of the Governor of Madras in Council, amalgamated with that established under Act XXIV of 1859 of the Governor-General in Council, was abolished with the latter.

The Fund established under Act I of 1872 of the Governor of Bombay in Council ceased to exist after the 31st March 1886, as also the Funds established under Acts II and IV of 1866 and Act I of 1890 of the Lieutenant-Governor of Bengal in Council, from the 27th December 1905.

In the Police Forces of which the Superannuation Funds were abolished the pay of the men was reduced, either individually or on the average, to its previous nominal amount, less subscriptions to the Funds, the Government undertaking the liabilities of the Funds.]

NOTE 2.—[“I am directed to acknowledge the receipt of your letter No. 1860 dated 27th April 1876, enquiring whether Armourers, Bellows-boys, Bhists, and Muchis who have subscribed to the Police Superannuation Fund should be allowed pensions according to the special rules for the Police, or according to the scale prescribed in Article 481 of these Regulations; and whether, in the latter case, the subscriptions recovered from them on account of the Police Superannuation Fund should not be refunded.]

“In reply, I am to say that, as a general rule, the subscriptions recovered from the employes in question should be refunded to them with interest, and their claims to pensions will then be dealt with in accordance with the ordinary rules for inferior servants. In the case, however, of men who have served for not less than ten years the option should be allowed them either of receiving back their subscriptions and coming under the ordinary pension rules, or of continuing their subscriptions and eventually receiving pensions under the special rules for the Police.”—[Finance Department to Bombay, No. 1051-D., dated 25th June 1876.]

500. Men of the Police Force of the Cities of Bombay and Calcutta who have served the full time for pension in the Force and who joined the Force before the 1st April 1886 and 27th December 1905, the respective dates of the abolition of the Superannuation Funds, are, on being invalided, admitted to the benefits of the Superannuation Fund on paying up their subscriptions for the full period of their service. Under this rule the service of an officer in the Bombay and Calcutta City Police before the establishment of the Superannuation Fund counts towards pension under the rules of the funds if he pays up his subscriptions for the whole period of his service in the Police Force.

1. This privilege applies only to Police officers whose pensions are determined according to the rules of the Superannuation Fund of the Bombay or Calcutta City Police, and not to any officer whose pension is granted in accordance with the rules prescribed in Chapters XVIII and XIX for the calculation of pensions for Superior service.

Service before Enlistment.

501. In the following cases service rendered before enlistment in the present Police Constabulary qualifies :—

- (a) Service in Superior grades in any other Department qualifies.
- (b) Service in the Bombay Excise (Abkari) Police, before that Force was amalgamated with the Bombay District Police, qualifies.
- (c) Native Commissioned officers and men of the Army who volunteer for transfer to the levies and Military Police raised in Burma, in consequence of the annexation of Upper Burma, are allowed to count their Army service for pension under the rules applicable to the Police in that Province.
- (d) A subadar or jemadar of the Bengal or Assam Military Police recruited from the Army or from a local corps, and Native Officers and men of the Dera Ghazi Khan Border Military Police recruited from the Army count service as follows :—
 - (i) A man recruited from the Army will be eligible for pension under the civil rules (counting both his past Military and Police service) on completion of ten years' service in the Military Police. If he retires with less than ten years' service in the Police, he will be granted pension on the Military scale according to his rank for the whole period of his service including service in the Police.
 - (ii) A man recruited from a local corps may count half his service in such corps towards Civil pension.

NOTE.—[Pensions granted to men who count Army service under the foregoing rules are, if their Military service was sufficient to entitle them to pension if discharged without fault, a Military charge; otherwise they are a Civil charge.]

502. Cancelled.

SECTION III.—AMOUNT OF PENSION.

Officers on pay not exceeding Rs. 20.

503. The pension admissible to an officer, whose pay at date of discharge or resignation does not exceed twenty rupees, will be determined as prescribed in Article 505, according to one of the following scales :—

Scale A.—According to the rules of the Superannuation Fund of the Force.

1. As the rules of the Superannuation Fund did not always provide for Compensation pension, the following orders were issued with reference to the reductions directed in 1869 :—

- (1) Compensation pension should be awarded at the same rate as the Superannuation Fund Rules provide for Invalid pensions.
- (2) But if a gratuity thus awardable is less than the amount (without interest) of the officer's subscription to the Fund, the difference should be made up.

Scale B.—According to the rules prescribed in Chapters XVII to XIX for the calculation of pensions for Superior service; except that all service in the Police after the age of eighteen years qualifies.

NOTE.—[Policemen in the lower ranks of the Madras City Police, on salaries not exceeding Rs. 20 a month, who enlisted after the 19th July 1871, may retire on pension without medical certificate after twenty-five years' service.]

504. (a) The pension of an officer of the Town Police of Calcutta who was in the Force before the 27th December 1905, and of an officer of the Town Police of Bombay who was in the Force before the 1st April 1886, is regulated by Scale A.

(b) The pension of an officer of the Town Police of Bombay, if he was enlisted or re-enlisted on or after 1st April 1886, is regulated by Scale B.

505. The pension of an officer of any other Force is regulated as follows :—

- (a) If he was in the Police before the 19th July 1871 and has served continuously since that date, by Scale A or Scale B according to his election.
- (b) If he was enlisted or re-enlisted on or after the 19th July 1871, by Scale B.
- (c) The pension of an officer enlisted in the Calcutta or Suburban Police Force on or after 27th December 1905 is regulated by Scale B. The pension of an officer who was enlisted before 27th December 1905 and subscribed to the Police

Superannuation Fund, and whose pay at the date of discharge does not exceed Rs. 20, is, on his being invalided, regulated by Scale A, provided he pays up his subscriptions from the 27th December 1905 to the date of his retirement. Failing such payments his pension or gratuity is regulated by Scale B.

Officers on pay exceeding Rs. 20.

506. The pension admissible to an officer whose pay at date of discharge or resignation exceeds twenty rupees, is determined by the rules which apply to ordinary service, except that service rendered after the completion of twenty years of age, and declared by this Chapter to be qualifying, is treated as Superior service.

1. When a Police officer, by promotion to a pay exceeding twenty rupees, loses any benefit as to pension which he would have enjoyed had his pay remained unchanged, his pension may be regulated as if he had not received the promotion.

2. Men of the Bombay City Police count as Superior their service in the Force in Inferior grades before the establishment of the Superannuation Fund.

Previous Inferior Service.

507. If part of an officer's continuous service qualifies for pension under the general rules, but does not qualify under the rules in this Chapter, he may elect to receive, in lieu of the pension admissible under this Chapter, such pension as is admissible to him under Articles 398 and 481 to 483 for the whole of his service, both Inferior and Superior (*see* Article 460).

508. An officer who, under Article 505, has elected to abide by Scale B, will, if he takes gratuity under the preceding Article, obtain, in lieu of the scale prescribed in Article 481, one month's pay for every complete two years of service, but not more than twelve months' pay in all.

Calculation of Pension.

509. Except in the case of officers of the Town Police of Calcutta, and of officers of the Town Police of Bombay who were in the Force before the 1st April 1886 (Article 504), pension is to be calculated upon the net pay, i.e., the pay actually received by the officer, and not upon the gross pay, i.e., the pay from which were deducted the subscriptions to the Superannuation Funds [*see concluding sentence of Note 1 to Article 499*]. But this rule shall not, unless he be either promoted to higher pay or degraded for misconduct to lower pay, be applied to any officer who, on the 19th July 1871, was entitled, by the rules of the Superannuation Fund, to have his pension calculated on his gross pay.

Chapter XXI.—Re-employment of Pensioners.

SECTION I.—GENERAL.

509A. No officer, Civil or Military, may retire with the view of being re-employed, and drawing pension in addition to pay, whether in the general service or in the service of any Local Fund.

510. When a person who was formerly in the civil or military employment of any Government in India obtains re-employment, whether temporarily or permanently, in Government service or in the service of a local Fund, it shall be incumbent on him to declare to the appointing authority the amount of any gratuity, bonus or pension granted to him in respect of the previous employment. The authority re-appointing him shall specifically state in the order of re-appointment whether any deduction is to be made from pension or salary as required by the rules of this Chapter and shall communicate a copy of the order to the Audit Officer.

NOTE.—[The principle of this article applies in the case of continued employment on retirement from Government service. The amount of the pension to be declared is that sanctioned originally, *i.e.*, it shall be inclusive of any amount that may have been commuted (*vide* Articles 524B and 524C).]

510-A. The attention of every officer who is re-employed should be specially called to the provisions of this Chapter by the authority re-employing him, and, whenever he becomes aware of such an appointment, by the Audit Officer; but the failure of such authority to do this will not be admitted as a ground for condoning any breach of the regulations contained in this Chapter.

510B. Notwithstanding anything contained in the rules in this chapter, a wound or other extraordinary pension sanctioned under Chapter XXXVIII of these Regulations and a wound or injury or disability pension or a disability addition to pension awarded under the military rules shall continue to be drawn by a retired Government servant, civil or military, during re-employment or continued employment, and shall be subject only to the conditions of its award. The amount of such pension or addition to pension shall not be taken into account when fixing the pay during re-employment or continued employment.

NOTE.—[Where the military pension is consolidated and service and disability elements are not explicitly differentiated, the total pension may be split up in the following manner. The service portion of the pension will be represented by the service pension earned or, if no service pension has been earned, by the proportionate service pension calculated with reference to the minimum ordinary pension admissible for the rank and the actual length of service rendered. In calculating this service element, an amount of 8 annas and over shall be taken as a whole rupee, amounts of less than 8 annas being ignored. The disability portion of the pension will be the balance.]

SECTION II.—CIVIL PENSIONERS.

Re-employment after Compensation Gratuity.

511. An officer who has obtained a Compensation gratuity, if re-employed in qualifying service, may either retain his gratuity, in which case his former service will not count for future pension, or refund it and count his former service.

512. The intention to refund must be stated immediately on re-employment; but the refund may be made by monthly instalments of not less than one-third of the officer's salary, and also not less than the whole gratuity divided by the number of months which have elapsed since the end of the service for which the gratuity was given. The right to count previous service does not revive till the whole amount is refunded.

NOTE.—[The equity of this rule is based upon the consideration that so long as the refund of the gratuity is postponed, the officer avoids the risks and the State loses to possibility of the gratuity lapsing absolutely to the public treasury by the death or dismissal of the officer. A subsequent refund of a gratuity, even with compound interest, does not compensate the State for the loss of this possibility meanwhile.]

513. (See Article 510-A.)

After Compensation Pension.

514. (a)¹ An officer who obtained a compensation pension, if re-employed, may retain his pension in addition to his pay, provided that if he is re-employed in a post paid from general revenues, the pension shall remain wholly or partly in abeyance if the sum of the pension and the initial pay on re-employment exceeds his substantive pay at the time of his discharge that is, an officer can draw so much of pension only as will make his initial pay *plus* pension equal to his substantive pay at the time of his discharge. Once the amount of pension has been fixed in conformity with the above condition the officer shall be entitled to receive the benefits of increments in his new scale or promotion to another scale or post without a further corresponding reduction in pension nor shall the amount of pension so fixed be varied during leave. In the case, however, of a pensioner re-employed in either a permanent or a temporary appointment, for *bona fide* temporary duty lasting for not more than a year, the Local Government may allow the pension to be drawn in whole or in part even though the sum total of pay and pension exceeds his substantive pay at the time of his discharge.

(a)² An officer who has obtained a compensation pension, if re-employed, may retain his pension in addition to his pay, provided that if he is re-employed in a post paid from general revenues, the pension shall remain wholly or partly in abeyance if the sum of the pension and

¹ This revised clause applies to officers under the rule-making control of the Secretary of State and takes effect from the 9th June 1937.

² This revised clause applies to officers under the rule-making control of the Governor-General in Council and takes effect from the 9th June 1937.

the initial pay on re-employment exceeds his substantive pay at the time of his discharge, that is, an officer can draw so much of pension only as will make his initial pay *plus* pension equal to his substantive pay at the time of his discharge. Once the amount of the pension has been fixed in conformity with the above condition the officer shall be entitled to receive the benefits of increments in his new scale or promotion to another scale or post without a further corresponding reduction in pension, nor shall the amount of pension so fixed be varied during leave. In the case, however, of a pensioner re-employed in either a permanent or a temporary appointment, for *bona fide* temporary duty lasting for not more than a year, the Local Government or, in cases where the pension does not exceed Rs. 10 a month, the officer who controls the establishment on which the pensioner is to be employed, may allow the pension to be drawn in whole or in part even though the sum total of pay and pension exceeds his substantive pay at the time of his discharge.

NOTE 1.—[This rule applies to the re-employment on all establishments paid from the General Revenues, whether paid by fixed salary or by fluctuating monthly allowances; but it does not apply to pensioners employed on work as coolies and paid daily hire.]

NOTE 2.—[In the case of re-employment under a Local Fund, no deduction is made from a compensation pension.]

NOTE 3.—[The Government of India may permit an officer who has obtained a compensation pension and is afterwards re-employed in a permanent or temporary appointment duly sanctioned by competent authority, to draw his full pension in addition to the pay and allowances of the appointment, irrespective of the period of such re-employment.]

NOTE 4.—[The Local Government may delegate its power under this Article to Heads of Departments in respect of pensioners whose re-employment they are authorised to order.]

NOTE 5.—[The restrictions in this Article do not apply to ex-policemen whose pension does not exceed Rs. 10 a month or to ex-inferior servants.]

(b) If his re-employment is in qualifying service, he may either retain his pension (subject to the proviso above stated), in which case his former service will not count for future pension, or cease to draw any part of his pension and count his previous service. Pension intermediately drawn need not be refunded.

NOTE.—[An officer counts his previous service under clause (b) if on re-employment his pension remains wholly in abeyance under the proviso to clause (a).]

515. In the case of a Section-writer whose service has been allowed to qualify for pension under special orders of the Government of India.,

or of a press servant (*see Article 380*) re-employed, ¹[the substantive pay at the time of discharge] is taken at the average earnings of the last six months of employment.

516. If an officer does not, within three months from the date of his re-employment, exercise the option conceded by Article 514, of ceasing to draw pension and counting his former service, he may not thereafter do so without the permission of the Local Government.

517. *Cancelled.* [with effect from the 9th June 1937].

518. *Cancelled.*

After Invalid Pension.

519. There is no bar to the re-employment of an officer who has regained health after obtaining Invalid pension, or if an officer is invalidated as being incapacitated for employment in a particular branch of the service, to his re-employment in some other branch of the Service. The rules in such a case as to refunding gratuity, drawing pension, and counting service, the the same as in the case of re-employment after Compensation pension.

After Superannuation or Retiring Pension.

520. An officer who is in receipt of a superannuation or retiring pension shall not be re-employed or continue to be employed in service paid from general revenues or from a local fund, except on public grounds. Sanction to re-employment or extension of the term of employment may be given as follows :—

- (i) By the Government of India in the Administrative Department concerned, when the pensioner served before retirement in a gazetted appointment directly under the Government of India or belonged to an Imperial Service or Imperial Branch of any Service, or was ²[an officer] who, before retirement, held a post usually filled by officers of an Imperial Service or Branch ;
- (ii) In other cases, by the Local Government under whose administration the pensioner is re-employed ;
- (iii) By any authority subordinate to a Local Government to whom the Local Government may delegate its powers under this Article in respect of pensioners re-employed in establishments under the control of such authority.

NOTE.—[A Local Government may declare that the restrictions contained in this Article shall not apply to any particular local fund or to local funds of any particular class in its territories, or that they shall apply subject to such modifications as it may direct.]

¹ [] The words within brackets apply to officers under the rule-making control of the Central Government and take effect from the 9th June 1937.

² [] The words "an officer" were substituted for the words "a Statutory Civilian or other officer" by the Governor-General in Council.

521. The authority competent to fix the pay and allowances of the appointment in which the pensioner is employed shall determine whether his pension shall be held wholly or partly in abeyance. If the pension is drawn wholly or in part, such authority shall take the fact into account in fixing the pay to be allowed to him; provided that (i) where a Local Government has delegated its power under clause (iii) of Article 520 to the Head of a Department, the latter may not allow the pensioner to draw full pension in addition to the full pay of the post except when the re-employment or continued employment is for *bona fide* temporary duty lasting for not more than a year or the pension does not exceed Rs. 10 a month, and (ii) where the Local Government has delegated its power to any other authority subordinate to itself, such authority may not allow the pensioner to draw in full a pension of more than Rs. 10 a month in addition to the full pay of the post.

NOTE 1.—[Where the employment is in service paid from a local fund, the authority determining whether the pension shall be wholly or partly held in abeyance shall be either—

- (i) the authority administering the local fund, if so empowered by the Local Government by special or general orders in this behalf; or,
- (ii) in any other case, the Local Government or such other authority as the Local Government may prescribe.]

NOTE 2.—[The restrictions in this Article do not apply to *ex-policemen* whose pension does not exceed Rs. 10 a month, or to *ex-inferior servants*.]

Exceptions.

522. The foregoing rules do not apply to pensioners re-employed under the Court of Wards.

523. A pensioner of any class may be employed as an Extra Departmental Agent in the Post Office, or as a Sub-Registrar under the law for the registration of documents remunerated by fees only.

524. *Cancelled.*

Employment on the Railway Board.

524A. When an officer who is in receipt of a pension from Indian revenues is appointed President or Member of the Railway Board, he shall be allowed to draw his pension in addition to salary. If, however, an officer still in active service is so appointed, he will be ineligible for admission to pension during his tenure of office on the Board.

In Case of Commutation of Pension.

524B. In the case of a pensioner who is re-employed in Government service or in the service of a Local Fund and who commutes a portion of his pension after such re-employment, the amount of pension which

the pensioner is entitled to draw under the rules in this Section shall be the amount to which he would have been entitled had there been no commutation, less the amount commuted.

524C. In the case of a pensioner a portion of whose pension has been commuted before re-employment, the original amount of the pension should be taken into consideration in fixing the total receipts during re-employment or continued employment and not merely the uncommuted pension.

SECTION III.—MILITARY PENSIONERS.

525. Except where it is otherwise expressly provided, the rules in section II of this chapter do not apply to a military officer, departmental officer, warrant or non-commissioned officer or soldier who is taken into or allowed to continue in civil employ ¹[after he has been granted a pension under military rules]. The claims of such an officer to salary in the Civil Department are governed by Articles 526 to 528. His pension for service in the Civil Department will not be affected by his military pension.

526. (a) When a person formerly in military service obtains employment in the civil department after having been granted a military pension, he shall continue to draw his military pension, but the authority competent to fix the pay and allowances of the post in which he is re-employed shall have, in fixing his pay and allowances in the post in which he is re-employed, the power to take into account the amount of pension, including such portion of it as may have been commuted.

²(b) A military officer, departmental officer, warrant or non-commissioned officer or soldier who is granted a pension under military rules while he is in civil employ, shall draw such pension while he is in civil employ, but the authority competent to fix the pay and allowances of the post in civil employ, may, with effect from the date from which the pension is granted, reduce such pay and allowances with reference to such officer or soldier by any amount not exceeding the amount of such pension.

³ NOTE.—[If the military pension of a person does not exceed Rs. 9 a month it shall not be taken into account in fixing his pay and allowances in the Civil Department.]

527, 528 and 528-A. *Cancelled.*

528B. The pension the heir of an Indian Military officer or Non-commissioned officer or soldier, or the heir of a Medical subordinate, will, during employment in any Civil Department, merge in his salary.

¹ [] Substituted for the words "after he has earned a pension under military rules" with effect from the 30th May 1933.

² This revised clause takes effect from the 30th May 1933.

³ This applies to officers under the rule-making control of the Governor-General in Council.

SECTION IV.—PENSION FOR NEW SERVICE.

529. Except as provided in Articles 525 to 528B, an officer who, having been discharged with a pension, is subsequently re-employed, may not count his new service for a separate pension. Pension (if any) is admissible only for the new service combined with the old, the whole being counted as one service.

530. If an officer who has obtained a Compensation or Invalid pension is re-employed in pensionable service and retains the pension (*see* Article 514), the pension or gratuity admissible for his subsequent service is subject to the following limitation, namely, that the gratuity or the capital value of the pension shall not be greater than the difference between the value of the pension that would be admissible at the time of the officer's final retirement, if the two periods of service were combined, and the value of the pension already granted for the previous service.

531. (a) If a gratuity received for the earlier service has not been refunded, gratuity or pension (as the case may be) may be allowed for the subsequent service, on condition that the amount of such gratuity or the present value of such pension *plus* the amount of the previous gratuity shall not exceed the amount of gratuity or the present value of the pension that would have been admissible had the gratuity received for the earlier service been refunded.

(b) If the amount of such gratuity or the present value of such pension, *plus* the amount of the previous gratuity, exceed the amount of gratuity or the present value of the pension that would have been admissible if the gratuity received for the earlier service had been refunded, the excess must be disallowed.

531A. For the purposes of Articles 530 and 531, the capital or present value of a pension shall be calculated in accordance with the table prescribed by the Governor-General in Council under the "Civil Pensions (Commutation) Rules."

PART V.—RULES APPLICABLE TO SPECIAL DEPART- MENTS OR SPECIAL OFFICERS

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PART V.—RULES APPLICABLE TO SPECIAL DEPARTMENTS OR SPECIAL OFFICERS.

Chapter XXII.—The Governor-General, Governors, Lieutenant-Governors and Members of Council.

SECTION I.—EXISTING PENSIONS HOW AFFECTED.

532. The following is the Statute Law applicable to the Governor-General, Governors, Lieutenant-Governors and Ordinary Members of the Executive Council of the Governor-General and Members of the Executive Councils of Governors who hold or enjoy pensions :—

“Provided—if any person to whom this section applies holds or enjoys any pension or salary or any office of profit under the Crown or under any public office, his salary under this section shall be reduced by the amount of the pension, salary or profits of office so held or enjoyed by him.”—[5 and 6 Geo. 5, Cap. 61, s. 85, (2) (b)].

NOTE 1.—[The provisions of this Article apply to Members of the Executive Council of a Lieutenant-Governor (*vide* the Secretary of State's Public Despatch No. 50, dated the 22nd May 1919).]

NOTE 2.—[A good service pension enjoyed by a Military Officer comes within the meaning of pension under the Act cited above.]

NOTE 3.—[The audit officer concerned, should, in each case, obtain from each of the officials mentioned in the above rule, when he assumes charge of his post, a statement as to whether he is in receipt of any pension, or other payment, on account of which his salary is required to be reduced under this Article.]

533. *Cancelled.*

SECTION II.—LIEUTENANT-GOVERNORS.

Leave Rules.

534. (a) Leave on Medical Certificate for not more than six months may be granted to a Lieutenant-Governor. On resuming his duties after such leave, a Lieutenant-Governor is entitled to half his salary for the period of his absence. If he is prevented from resuming his duties, he is entitled to no absentee allowances.

(b) A Lieutenant-Governor is not entitled to any other leave.

NOTE 1.—[Service as a Lieutenant-Governor does not qualify for any leave under the ordinary rules, but does not interrupt any leave previously earned.]

NOTE 2.—[The provisions of Article 215 do not apply to a member of the Indian Civil Service who on resigning the office of Lieutenant-Governor takes furlough under the ordinary rules. If he had previously earned Privilege leave and is not debarred from taking it by reason of his having completed 35 years' service, he may avail himself of it on the pay of, but without a lien upon, the last appointment he held, other than that of a Lieutenant-Governor, Member of Council or Chief Commissioner. Leave taken during his tenure of office does not forfeit leave previously earned.]

NOTE 3.—[A Lieutenant-Governor who is granted leave during the term of his office is required to conform to the rule—Article 224 of these Regulations—as regards obtaining a certificate of fitness to return to duty.]

Acting Lieutenant-Governor.

535. The salary of person appointed to officiate as Lieutenant-Governor is regulated in the same way as the salary of a person appointed to the temporary Member of Council (*See* Article 539).

SECTION III.—MEMBERS OF COUNCIL.

Tenure of Office.

536. The tenure by a Member of Council of his office begins from the date on which he first takes upon himself the execution of his office whether as a temporary Member appointed in India, or after the issue of His Majesty's warrant of appointment; and the resignation of his office, by a Member of Council whose successor has not entered upon his office, takes effect from the day following that of his embarkation at any port in India, excluding Aden, or from the expiry of his five years' tenure of office, whichever date is earlier. Any time during which a Member of Council (not being himself granted leave) draws less than full pay shall not be computed as part of his five years' tenure of office.

Leave Rules.

537. The leave admissible to an Ordinary Member of the Executive Council of the Governor-General or of the Governor of Madras or Bombay or Bengal or of the Lieutenant-Governor of any Province is regulated by Statute 5 and 6 Geo. 5, Cap. 61, s. 86, as amended by 6 and 7 Geo. 5, Cap. 37, s. 7 (1), as follows:—

- “(1) The Governor-General in Council may grant to any of the ordinary members of his executive council and a Governor in Council and a Lieutenant-Governor in Council may grant to any member of his executive council leave of absence under medical certificate for a period not exceeding six months.
- (2) Where a member of council obtains leave of absence in pursuance of this section, he shall retain his office during his absence, and shall on his return and resumption of his duties be entitled to receive half his salary for the period of his absence; but if his absence exceeds six months his office shall become vacant.”

NOTE 1.—[Service as a Member of Council does not qualify for any leave under the ordinary rules, but does not interrupt any leave previously earned.]

NOTE 2.—[The provisions of Article 215 do not apply to a member of the Indian Civil Service who on resigning the office of Member of Council takes furlough under the ordinary rules. If he had previously earned Privilege leave and is not debarred from taking it by reason of his having completed 35 years' service, he may avail himself of it on the pay of, but without a lien upon, the last appointment he held, other than that of a Lieutenant-Governor, Member of Council or Chief Commissioner. Leave taken during his tenure of office does not forfeit leave previously earned.]

NOTE 3.—[A Member of Council who is granted leave during the term of his office is required to conform to the rule—Article 224 of these Regulations—as regards obtaining a certificate of fitness to return to duty.]

538. Subject to any special orders by the Government of India to the contrary, leave of absence granted to an Ordinary Member of the Council of the Governor-General (if taken out of India) commences on the day after such Member embarks at any port in India, excluding Aden, and ends on the day before he disembarks at any port in India, excluding Aden: Provided always that such Member has not been relieved of the charge of his office until he embarks, and that he resumes charge immediately upon his disembarkation.

Temporary Member.

539. The salary and the appointment of a temporary Member of the Executive Council of the Governor-General or of the Governor of Madras or Bombay or Bengal, is regulated by Statute 5 and 6 Geo. 5, Cap. 61, s. 92, as amended by 6 and 7 Geo. 5, Cap. 37, s. 7 (1), as follows:—

NOTE 1.—[The headings which are introduced to facilitate reference are not a part of the Statute.]

In case of vacancy.

“(1) If a vacancy occurs in the office of an Ordinary Member of the Executive Council of the Governor-General or any Member of the Executive Council of a Governor, and there is no conditional or other successor present on the spot, the Governor-General in Council or Governor in Council, as the case may be, shall supply the vacancy by appointing a temporary Member of Council.

(2) Until a successor arrives the person so appointed shall hold and execute the office to which he has been appointed, and shall have and may exercise all the rights and powers thereof, and shall be calculated to receive the emoluments and advantages appertaining to the office, foregoing all emoluments and advantages to which he was entitled at the time of his being appointed to that office.

In case of absence.

(3) If any Ordinary Member of the Executive Council of the Governor-General or any Member of the Executive Council of a Governor is, by infirmity or otherwise, rendered incapable of acting or of attending to act as such, or is absent on leave or special duty, then, if any person has been conditionally appointed to succeed to his office and is on the spot, the place of that member shall be supplied by that person, and, if no person conditionally appointed to succeed to the office is on the spot, the Governor-General in Council or Governor in Council, as the case may be, shall appoint some person to be a temporary Member of Council.

(4) Until the return to duty of the member so incapable or absent, the person conditionally or temporarily appointed shall hold and execute the office to which he has been appointed, and shall have and may exercise all the rights and powers thereof, and shall be entitled to receive half the salary of the Member of Council whose place he fills, and also half the salary of any other office which he may hold, if he holds any such office, the remaining half of such last named salary being at the disposal of the Governor-General in Council or Governor in Council, as the case may be.

Proviso.

(5) Provided as follows :—

- (a) no person may be appointed a temporary Member of Council who might not have been appointed under this Act to fill the vacancy supplied by the temporary appointment; and
- (b) if the Secretary of State informs the Governor-General that it is not the intention of His Majesty to fill a vacancy in the Governor-General's Executive Council, no temporary appointment may be made under this section to fill the vacancy, and if any such temporary appointment has been made before the date of receipt of the information by the Governor-General, the tenure of the person temporarily appointed shall cease from that date."

NOTE 2.—[The rules in this Article apply to temporary Members of the Executive Council of a Lieutenant-Governor (*vide* the Secretary of State's Public Despatch No. 34, dated 23rd February 1912).]

540. A Good Service pension comes within the "emoluments and advantages" which a provisional Member of Council appointed on a vacancy occurring in the office of an Ordinary Member must forego.

541. The salary of the substantive office of a temporary Member of Council appointed in the place of an Ordinary Member of Council who, by reasons of infirmity or otherwise, is rendered incapable of acting or is absent on leave, includes the Military pay or Indian Army pay of an officer holding an appointment the pay of which is a Staff salary but does not include a Good Service pension. Such a temporary Member is not liable to any deduction of salary on account of Good Service pension.

542. A public officer nominated to be an Additional Member of the Imperial Legislative Council shall receive while on deputation with the Council the pay or salary which he would have drawn from time to time, if he had not been so deputed. He is, in addition, entitled to draw the allowances admissible under Article 1148.

Pension Rules.

542A. A member of the Executive Council of the Governor-General or of a local Government, who, immediately before appointment as such, held an appointment in which service qualifies for pension under the rules in Part IV of these Regulations, is entitled to count as additional service qualifying for such pension all service which counts as part of his five years' tenure of office as Member of Council, including leave under Section 86 of the Government of India Act, and also all service as temporary Member under Section 92 of the same

Act. He also enjoys the advantage of the two following conditions, viz. :—

- (1) On retirement after five years of such service he is entitled—
 - (a) to pension on the scale given in Article 474-A, even if he does not retire on medical certificate, and has not attained the age, or rendered the full period of total service, which would have been necessary, had he retained his previous appointment, to render him eligible for superannuation or retiring pension; and
 - (b) to an additional pension of Rs. 2,500 a year.
- (2) On retiring on account of certified ill-health he is entitled to a special additional pension under Article 475-A (the post of Member of Council being treated as belonging to the upper grade in the Schedule of appointments attached Thereto), in addition to his invalid pension under Article 474A.

542B. A Member of the Executive Council of the Governor-General or of a local Government, who, not being a member of the Indian Civil Service or of a Service in which pension would be admissible under Article 542 A, was, immediately before his appointment, a Chief Justice or a Puisne Judge of a High Court, or a Chief Judge, or Judge of a Chief Court, or a Judicial Commissioner, or Additional Judicial Commissioner, is entitled on retirement to pension under the following rules :—

- (1) *Qualifying Service.*—The periods of service qualifying for pension are—
 - (1) *Qualifying Service.*—The periods of service qualifying for which, but for the officer's appointment to a Membership of Council would have counted as qualifying service for a judicial pension.
 - (b) All service as Member of Council which counts as part of the Member's five years' tenure of office, including leave under Section 86 of the Government of India Act, and also all service as temporary Member under Section 92 of the same Act.
 - (c) A special addition of $2\frac{1}{2}$ years which shall be made if the service counting under clause (b) of this rule is not less than five years.
- (2) *Conditions of Grant of Pension.*—Pension will be granted at the rates specified in rule (3), provided that no Member of Council shall receive such pension who has not

completed five years' service as Member of Council unless he has attained the age of 60 years or retires on medical certificate or has had a qualifying service of not less than $11\frac{1}{2}$ years.

(3) *Amount of Pension.*—The Pension will be regulated as follows :—

Length of qualifying Service under rule (1).	For a Member of Council who before his appointment was Chief Justice of a High Court, and whose periods of service as Chief Justice and Member of Council [excluding the $2\frac{1}{2}$ years added under rule 1 (c) above] were not less than $5\frac{1}{2}$ years.		For a Member of Council who before his appointment was Chief Justice of a High Court, but whose periods of service as Member of Council and Chief Justice [excluding the $2\frac{1}{2}$ years added under rule 1 (c) above] were less than $5\frac{1}{2}$ years but not less than $2\frac{1}{2}$ years.			For a Member of Council who before his appointment was Puisne Judge of a High Court.	For a Member of Council who before his appointment was Chief Judge or Judge of a Chief Court.	For a Member of Council who before his appointment was Judicial Commissioner or Additional Judicial Commissioner.
	If he was previously Chief Justice of the Calcutta High Court.	If he was previously Chief Justice of any other High Court.	If he was previously Chief Justice, Calcutta High Court, and prior to that had served as Chief Justice in other High Courts.	If he was previously Chief Justice, Calcutta High Court, and prior to that had served as Puisne Judge.	If he was previously Chief Justice, in any other High Court.			
1	2	3	4	5	6	7	8	9
	£	£	£	£	£	£	£	£
(a) $6\frac{1}{2}$ years but less than $8\frac{1}{2}$ years.	900	750	£00	700	650	600	500	375
(b) $8\frac{1}{2}$ years but less than 10 years.	1,075	900	960	840	780	720	600	450
(c) 10 years but less than $11\frac{1}{2}$ years.	1,450	1,200	1,280	1,120	1,040	960	800	600
(d) $11\frac{1}{2}$ years and over.	1,800	1,500	1,600	1,400	1,300	1,200	1,000	750

542C. 1. If a Member of the Executive Council of the Governor-General or of a Provincial Executive Council was holding, at the time

of appointment, a public office as defined in Section 4 of the Superannuation Act, 1892* (other than an office in India), his service as Member of Council qualifies under the rules in this Article for the grant from Indian revenues of pension, gratuity, or other retiring allowance (including the allowance admissible to legal personal representatives under 9 Edward 7, c. 10).

2. *Period of Qualifying Service.*—The period of service qualifying for such grant is from the date of taking up the appointment of Member of Council to the date of resigning it, with the addition of such intervals (not exceeding 30 days in either case) as may occur between giving up another public office and taking up the appointment of Member of Council and between resigning that appointment and taking up another public office.

3. *Conditions of Grant.*—A Member of Council becomes eligible for a grant if he retires :—

- A. On completing the customary term of his appointment or on attaining the age of 60 or at any time thereafter; or
- B. On account of ill-health certified by a medical certificate of such a nature as appears to the Secretary of State in Council to justify a grant; or within six months of completing the customary term of his appointment for reasons of administrative convenience approved by the Secretary of State for India in Council; or
- C. On transfer to another public office after holding which he retires either immediately or after subsequent transfer to other public office or offices in circumstances rendering him eligible for pension, gratuity, or other retiring allowance in respect of the office held before appointment as Member of Council.

4. *Time at which Pension, Gratuity or other Retiring Allowance becomes payable.*—Any grant admissible under these rules is made :—

- A. *If the Member of Council retires from that office otherwise than on transfer to another public office :—*From the date of such retirement.
- B. *If he retires on transfer to another public office :—*From the date on which the pension, gratuity, or other retiring allowance in respect of the public office held before appointment as Member of Council becomes payable in accordance with any Act of Parliament or rules made by the Treasury in pursuance thereof.

5. *Amount of Grant.*—The grant from Indian revenues is made in accordance with rules framed by the Treasury under Section 7 (1) of

the Superannuation Act,* 1909, subject to the condition that, for the purpose of calculating the apportionment of the total award therein mentioned and the amount of such award when it is dependent on the salary of the Member of Council and the rules applicable to him in respect of that appointment, the Member of Council is assumed to have been, during the tenure of that appointment :—

- (a) In receipt of salary at the rate last drawn by him in his previous public office ;
- (b) Under the same regulations regarding superannuation (including gratuity admissible to legal representatives) as were last applicable to him in such office, except as regards the conditions of grant (which are governed by Rule 3 above) and the time at which pension, gratuity, or other retiring allowance becomes payable (which is governed by Rule 4 above).

6. *Reduction, Suspension, or Withdrawal of Grant.*—Any grant made under these rules is subject to reduction or suspension under 4 & 5 William IV, c. 26, s. 20, to withdrawal under 22 Victoria, c. 26, s. 11, and generally to the operation of any statute of similar effect ; any reduction of a total award of which a grant under these rules forms part, being applied proportionately.

Chapter XXIII.—Judges of the High Courts.

Statutory Rules.

543. The following are the rules fixing the salaries, allowances, furloughs, retiring pensions and (where necessary) expenses for equipment and voyage, of the Chief Justices and other Judges of the several High Courts, which have been made by the Secretary of State in Council under Statute 5 and 6 Geo. V., Cap. 61, s. 104.

1. (1) These rules may be called the High Court Judges (India) Rules, 1922.
- (2) In these rules, unless there is something repugnant in the subject or context,—
 - “Acting Chief Justice” means a Judge appointed under section 105 of Statute 5 and 6 Geo. V., Cap. 61, to perform the duties of Chief Justice of a High Court.
 - “Acting Judge” means a person appointed under the said section 105 to act as a Judge of a High Court.
 - “Additional Judge” means a person appointed by the Governor-General of India in Council under section 101, sub-section 2 (1), of Statute 5 and 6 Geo. V., Cap. 61, to act as Additional Judge of a High Court.
 - “Judge” includes a Chief Justice and Acting Chief Justice, and an Acting Judge and an Additional Judge, except where the contrary is expressed.

* 9 Edward VII, c. 10.

"Actual Service" includes—

- (a) time spent by a Judge on duty as Judge or in the performance of such other functions as he may be directed to discharge by the Governor-General of India in Council;
- (b) duly authorised vacations (provided that the Judge is not absent on furlough or on leave granted under Rule 20);
- (c) joining time for a Judge on transfer from one High Court to another.

"Service for pension" includes—

- (a) actual service;
- (b) time spent by a Judge on privilege leave under the rules in force prior to the date on which these rules come into force, *plus* one month or the period actually taken, whichever is less, of each period of leave on full allowances taken under these rules, *plus* all time spent on subsidiary leave.

"Passage" means accommodation for a journey by sea, land, or air, or partly by one of these elements and partly by one or both of the others, between a port in India (including Colombo) and a port outside Asia, provided that the cost payable under these rules for such accommodation shall not exceed the listed price as published by the Company from time to time of one first class fare at "B" rate by the Peninsular and Oriental Steam Navigation Company between Bombay and London, by the all-sea route.

Section I—Salaries.

2. The Chief Justice or Acting Chief Justice of the High Court at Calcutta shall be paid a salary at the rate of Rs. 72,000 per annum for the period spent on actual service.

3. The Chief Justice, or Acting Chief Justice of the High Courts at Madras, Bombay, Allahabad, Patna, Lahore and Rangoon, respectively, shall be paid a salary at the rate of Rs. 60,000 per annum for the period spent on actual service.

3A. The Chief Justice or Acting Chief Justice of the High Court at Nagpur shall be paid a salary at the rate of Rs. 50,000 per annum for the period spent on actual service.

4. A Judge, or Acting Judge of the High Courts at Calcutta, Madras, Bombay, Allahabad, Patna, Lahore and Rangoon, respectively, shall be paid a salary at the rate of Rs. 48,000 per annum for the period spent on actual service.

4A. A Judge or Acting Judge of the High Court at Nagpur shall be paid a salary at the rate of Rs. 40,000 per annum for the period spent on actual service.

NOTE TO RULES 2 to 4.—[A person who as Chief Justice or Judge drew exchange compensation allowance before such allowance was withdrawn from public servants generally will be granted when and for so long as he holds the same post or a similar post on the same salary compensatory allowance equal in amount to the exchange compensation allowance for which he would from time to time have been eligible had the allowance not been withdrawn.]

Section I-A.—Joining time.

4-B. A Judge transferred from one High Court to another may be allowed joining time to the extent admissible to a Government servant under the administrative control of the Governor-General in Council.

Section II.—Leave.

5. Subject to the conditions prescribed in Rule 10, furlough granted to a Judge may be at the Judge's option, either—

- (a) leave on full allowances, or
- (b) leave on half allowances, or
- (c) partly leave on full allowances and partly leave on half allowances

6. A furlough account shall be maintained for each Judge.

7. (a) In the furlough account of a Judge who is already serving as a Judge when these rules come into force shall be credited :—

- (i) A period equal to double the period of privilege leave during which he would, if he had taken privilege leave on the date on which these rules come into force, have been eligible under the rules previously in force to draw salary; *plus*
- (ii) the furlough standing at his credit on that date under those rules; *plus*
- (iii) one-fourth of the period spent by him on actual service subsequent to that date; *plus*
- (iv) a period equal to double the period by which the vacation enjoyed by him in any year subsequent to that date falls short of one month by reason of his having been detained on duty as Vacation Judge, or in the performance of such other functions as he may have been directed to discharge by the Governor-General of India in Council: Provided that no credit shall be given under this Clause for any such period by reason of the performance of functions other than those of Vacation Judge unless the functions were performed after the 1st April 1924.

NOTE 1 TO RULE 7 (a) (ii).—[For the purpose of this rule furlough shall be credited proportionately in respect of fractions of four years' actual service.]

NOTE 2 TO RULE 7 (a) (ii).—[In the case of any Judge who was already in the service of the Government at the time of his appointment to the High Court, leave on half average pay or furlough without medical certificate which he had at his credit, when so appointed, under the rules applicable to the branch of the service to which he belonged, may up to a maximum of one year be treated as furlough standing at his credit for the purpose of clause (ii).]

(b) In the furlough account of a Judge who when he is appointed to the High Court becomes subject to these rules shall be credited—

- (i) 1[subject to the provisions of clause (iii) of this sub-rule] one-fourth of the period spent by him on actual service; *plus*
- (ii) a period equal to double the period by which the vacation enjoyed by him in any year falls short of one month by reason of his having been detained on duty as Vacation Judge or in the performance of such other functions as he may have been directed to discharge by the Governor-General of India in Council: Provided that no credit shall be given under this Clause for any such period by reason of the performance of functions other than those of Vacation Judge unless the functions were performed after the 1st April 1924; *plus*
- (iii) if he was already in the service of Government at the time of being so appointed and had due to him at that time, under the rules applicable to the branch of the service to which he belonged, leave on half average pay, a period not exceeding the amount of leave so due to him and also not exceeding one year 2[any period of temporary service as Judge which may have been included in calculations under this clause being excluded from calculations under clause (i) of this sub-rule.]

8. The amount of furlough debited against a Judge's furlough account shall be the actual period of furlough taken subsequent to the date on which these rules come into force. In computing this period, leave on full allowances shall be treated as equivalent to double the amount of furlough.

9. The amount of furlough due to a Judge is the balance of furlough at his credit in his furlough account.

10. Furlough due to a Judge may be granted to him subject to the following restrictions :—

- (a) The aggregate amount of furlough granted to him during his whole period of service as Judge shall not exceed three years, *plus* the aggregate of

the periods, if any, credited to his account under Rule 7, sub-rule (a), clauses (i) and (iv), or Rule 7, sub-rule (b), clause (ii). In computing the amount of furlough taken, leave on full allowances shall be treated as equivalent to double the amount of furlough.

- (b) The aggregate amount of leave on full allowances granted to him, including the furlough on double allowances granted under the rules previously in force, during his whole period of service as a Judge shall not exceed either:-

- (i) one-half of the period, if any, credited to his account under Rule 7, sub-rule (a), clauses (i) and (iv), or Rule 7, sub-rule (b), clause (ii); *plus* one year; *minus* the aggregate of the periods, if any, of commuted furlough or of leave on average pay subject to a maximum taken by him under the rules applicable to the branch of the service to which he belonged prior to his appointment as a Judge, or
- (ii) (A) One-twenty-fourth of the period spent by him on actual service, *plus* (B) one-half of the period allowed to be treated as at credit by Note 2 under Rule 7, sub-rule (a), clause (ii), *plus* (C) one-half of the periods, if any, credited to his account under Rule 7, sub-rule (a), clauses (i) and (iv), or Rule 7, sub-rule (b), clauses (ii) and (iii) whichever less.

NOTE.—[The total of (A) and (B) is subject to the limit of one year.]

- (c) The maximum period of leave on full allowances granted at any one time shall be twelve months.

- (d) The maximum period of furlough granted at any one time shall be 16 months. In computing this period, leave on full allowances shall be treated as equivalent to an equal amount of furlough.

- ¹(e) In the case of a Judge who was already in the service of Government at the time of being so appointed, any period of temporary service as Judge which may have been included in the calculations under Rule 7 sub-rule (b) clause (iii) and therefore, under sub-rule (b) clause (ii) (C) of this Rule also, shall be excluded from the calculations under sub-rule (b) clause (ii) (A) of this Rule.

11. On condition that the maximum limit prescribed in Rule 10, clause (a), is not exceeded leave on half allowances may be granted to a Judge to whom it is not due—

- (a) on medical certificate, or

- (b) otherwise than on medical certificate, for not more than six months and not more than once during the whole period of his service as a Judge.

12. A Judge on leave in Europe must, if the leave was granted or has been extended on a medical certificate, satisfy the Medical Board at the India Office as to his fitness to return to duty. Ordinarily, he must attend at the India Office for examination by the Board, but, in special cases, particularly if he be residing at a distance of more than 60 miles from London, a certificate from two medical practitioners, in a form to be obtained from the High Commissioner for India, may be accepted. On the required evidence of fitness being furnished, the judge will receive from the High Commissioner permission to return to India. The authority granting the leave may require a similar certificate in the case of any Judge who takes leave in any locality for reasons of health, even though such leave is not actually granted on a medical certificate.

13. Furlough taken in India shall be reckoned from the date on which the Judge quits his office to the date of his resuming duty. Furlough taken out of India shall be reckoned from the date of embarkation at the port of departure from India to the date of debarkation on return to India, except in a case falling under Rule 17.

14. If furlough be taken partly in India and partly out of India, the commencement and termination of the furlough shall be respectively determined under the provisions of Rule 13 according as the furlough begins or ends in or out of India.

15. For the interval between the date of quitting his office and the commencement of furlough out of India and between the termination of furlough out of India and

¹ Takes effect from the 9th October 1929.

resuming his office, a Judge may be allowed a subsidiary leave not ordinarily exceeding 30 days, which in special cases may be extended.

16. A Judge, when on furlough or subsidiary leave, shall receive allowances at the monthly rates shown in the following table :—

	When resident in Asia during furlough.	When resident outside Asia during furlough.
	Rs.	£
Leave on half allowances	1,110	111
Leave on full allowances	2,220	222
Subsidiary leave	1,110	..

NOTE.—[For the first month of any period of leave on full allowances in lieu of the allowance in the above table a Judge may draw his salary.]

17. Subject to the condition that no Judge is appointed to act in his place during the vacation, a Judge may take furlough in combination with vacation on full salary :—

- (a) when the vacation consists of one continuous period, either at the beginning or end thereof, but not both, or
- (b) when the vacation is divided into two separate periods, for the interval, or any part thereof, between the two periods of the same vacation, or between the second part of one vacation and the commencement of the next ensuing vacation.

18. Except under medical certificate, the number of furloughs to be granted at any one time and the grant of furlough to individual Judges shall be subject to and limited by the exigencies of the service, which exigencies shall be determined exclusively by the authority with whom rests the question of granting the furlough.

19. Application for furlough not supported by medical certificate shall be granted usually in the following order :—

The Judge who has the greatest amount of furlough due to him under Rule 9 shall have the preference. If two or more applicants are on an equality in this respect, preference shall be given to the applicant whose actual service in a High Court is longest, reckoning in the case of a Judge who has not taken furlough or leave granted under Rule 20 from the date of the commencement of his service in the High Court, and in the case of a Judge who has taken furlough, subsidiary leave or leave granted under Rule 20 from the date of his last return from such furlough or leave. If two or more applicants are equal in both the above-mentioned respects, the preference shall be given to the senior in the Court.

20. If the Government in its discretion deems it necessary, in any special instance, to grant to any Judge leave of absence for which no express provision is made in the foregoing rules, the Judge shall be entitled to draw no salary or allowances during such leave. Such leave shall in no case exceed six months and shall not be granted more than once during the whole period of the Judge's service as a Judge.

21. Applications for leave shall in all cases be submitted and returns to duty, whether from leave or vacation, shall in all cases be reported in such manner as the Government shall from time to time prescribe.

22. No substantive appointment shall be vacated merely by reason of leave being granted under these rules.

22-A. When the day immediately preceding the day on which a Judge's leave or vacation begins or immediately following the day on which his leave, vacation or joining time expires is an authorised holiday, or one of a number of consecutive authorised holidays, the Judge may leave his station at the close of the day before, or return to it on the day following such holiday or holidays provided that no Judge is appointed to act in his place during the holiday period.

23. If a Judge overstays any leave or any vacation whether combined with furlough or not he shall forfeit all salary during the time of his remaining so absent; and if he overstays his leave or vacation for more than one week, his office shall be liable to be declared vacant: provided that if the overstay is due to circumstances beyond his control the period of overstay may, at the discretion of the authority with whom rests the question of granting furlough, be treated as furlough and be debited to his furlough account under Rule 8. A Judge on leave or vacation is not obliged to return to duty, on an authorised holiday, unless another officer is officiating as Judge in consequence of his absence.

Section III Pensions.

24. Subject to the proviso hereinafter set out, a Judge of a High Court shall receive, according to the length of his service for pension, a pension corresponding to the rates specified in the table that follows—

Length of Service for pension.	If service includes service as Chief Justice.				Judge who is not a member of the Indian Civil Service.				Judge who is a member of the Indian Civil Service.							
	Not less than 3½ years.		Not less than 5½ years but less than 8½ years.		As Chief Justice, Calcutta High Court (when previous service has been as Chief Justice in other High Courts).		As Chief Justice, Calcutta High Court (when previous service has been as puisne judge.)		As Chief Justice, Nagpur High Court.		As Chief Justice in any other High Court.		Nagpur High Court.		Any other High Court.	
	As Chief Justice, Calcutta High Court.	As Chief Justice, Nagpur High Court.	As Chief Justice, in any other High Court.	As Chief Justice, in any other High Court.	4	5	(i)	(ii)	(i)	(ii)	(i)	(ii)	(i)	(ii)	(i)	(ii)
1	2	3	(i)	(ii)	£	£	£	£	£	£	£	£	£	£	£	£
(a) 6½ years but less than 8½ years.	900	625	750	750	800	700	545	650	650	500	600	Nil	100	100	Nil	100
(b) 8½ years but less than 10 years.	1,075	750	900	900	960	840	650	780	780	600	720	Nil	120	120	Nil	120
(c) 10 years but less than 11½ years.	1,450	1,000	1,200	1,200	1,280	1,120	870	1,040	1,040	800	960	Nil	160	160	Nil	160
(d) 11½ years and over.	1,800	1,250	1,500	1,500	1,600	1,400	1,090	1,300	1,300	1,000	1,200	Nil	200	200	Nil	200

Provided that no Judge shall receive such pension who has not attained the age of 60 years, unless he either retires on medical certificate or has had a service for pension of at least $11\frac{1}{2}$ years. Provided further that if a Judge of any other High Court is appointed Chief Justice of the Nagpur High Court he shall be entitled to the pension he would have earned otherwise than as a Chief Justice had he remained in the other High Court, if this pension is greater than the pension calculated according to the table for the Nagpur High Court.

25. Except in the case of a member of the Indian Civil Service, who may draw the pension shown in column 8 of the table in Rule 24 in addition to the pension for which he is eligible under the ordinary rules relating to that service, a Judge receiving a pension under Rule 24 will not be entitled to any other pension or retiring allowance.

25-A. (1) If a Judge of a High Court who is not a member of the Indian Civil Service is permitted to retire before completing one of the periods of service for pension specified in column 1 of the annexed table in a High Court but after completing that period of service in a High Court and a Chief Court combined or in a High Court and one of the Judicial Commissioner's Courts of Oudh, Sind, or the Central Provinces combined, and if under the rules applicable to him he might receive the pension specified in column 3 or in column 4 of the annexed table if his total combined service had been in the Chief Court, or in the Judicial Commissioner's Court concerned, he shall receive a pension according to the length of his combined service for pension calculated in accordance with the following rule:—

Subject to the proviso hereinafter set out he shall receive a pension at the rate specified in column 3 if his previous service was in a Chief Court or at the rate specified in column 4 if his previous service was in a Judicial Commissioner's Court to which shall be added the amount obtained by multiplying by the number of his completed years of service for pension in a High Court, the difference between the amount in column 2 of the table for the same total period of service and the amount in column 3 or in column 4 as the case may be, and dividing the result by the lower limit of years for the same period of service in column 1.

Length of Service for pension.	Nagpur High Court.	Any other High Court.	Chief Court.	Judicial Commissioners Court.
1	2		3	4
	(i)	(ii)		
	£	£	£	£
(a) $6\frac{1}{2}$ years but less than $8\frac{1}{2}$ years.	500	600	500	370
(b) $8\frac{1}{2}$ years but less than 10 years.	600	720	600	450
(c) 10 years but less than $11\frac{1}{2}$ years	800	960	800	600
(d) $11\frac{1}{2}$ years and over . . .	1,000	1,200	1,000	750

Provided that no Judge shall receive a pension calculated in accordance with this rule who has not attained the age of 60 years, unless he either retires on medical certificate or has had a service for pension of at least $11\frac{1}{2}$ years in a High Court and Chief Court combined, or in a High Court and a Judicial Commissioner's Court combined.

(2) If a Judge of a High Court, who has completed not less than $2\frac{1}{2}$ years' service for pension as a Chief Justice of a High Court, is permitted to retire with a pension calculated under sub-rule (1), he shall receive an

additional pension of the difference between the amounts for his combined service for pension as a Judge shown in columns 3 and 7 or in columns 6 and 7 of the table in rule 24, according as his service for pension as a Chief Justice was not less than $5\frac{1}{2}$ years or not less than $2\frac{1}{2}$ years, respectively

- (3) If a Judge of a High Court, who is a member of the Indian Civil Service, is permitted to retire before completing $6\frac{1}{2}$ years' service for pension in a High Court but after completing that period of service in a High Court and a Chief Court combined or in a High Court and one of the Judicial Commissioner's Courts of Oudh, Sind, or the Central Provinces or as Judicial Commissioner, or as officiating Judicial Commissioner of Upper Burma combined, he shall receive in addition to the pension for which he is eligible under the ordinary rules relating to that service a pension of £100 divided by $6\frac{1}{2}$ for each completed year of service for pension as a Judge of a High Court. Provided that no Judge shall receive an additional pension calculated in accordance with this rule who has not attained the age of 60 years, unless, he either retires on medical certificate or has had a service for pension of at least $11\frac{1}{2}$ years in a High Court and Chief Court combined, or in a High Court and a Judicial Commissioner's Court combined.
- (4) If a Judge of a High Court, who has rendered previous service both in a Chief Court and in one of the specified Judicial Commissioner's Courts, is permitted to retire the above provisions may be applied by either—
- (a) omitting service in Judicial Commissioner's Court, or
 - (b) treating service in a Chief Court as service in a Judicial Commissioner's Court.

25-AA. The Secretary of State may, for special reasons, direct that any period not exceeding three months shall be added to a Judge's service for pension.

25-B. Pensions paid in India shall be issued in rupees and converted at such rate of exchange as the Secretary of State in Council may by order prescribe:—

Provided that pensioners of the following classes may, at their option, convert their pensions into rupees at the rate of *1s. 4d.* to the rupee as long as they are in India and continue to have their permanent residence there:—

- (1) Pensioners resident in India who were on 1st February 1921 in receipt of pensions converted at that rate;
- (2) Pensioners of Indian domicile who were on 1st February 1921 temporarily drawing their pensions in sterling;
- (3) Pensioners who were in Government service on 1st February 1921, and who at that date were of Indian domicile.

Provided further that the pension of any pensioner referred to in clauses (1), (2) or (3) who has commuted any part of his pension after the 10th day of October 1923, shall be converted at the rate of exchange prescribed by the Secretary of State in Council as hereinbefore provided, and to the resulting pension shall be added, so long as he is in India and continues to have his permanent residence there, the difference between the values of the full sterling pension [less any portion commuted before the 11th October 1923] converted at that rate and at the rate of *1s. 4d.* respectively.

26. When a Judge, who at the time of his appointment to a High Court was a member of one of the Government Services in India, is permitted to retire without a pension under the preceding rules, he shall receive such a pension as he might receive under the rules applicable to the Branch of the Service to which he belonged when so appointed, reckoning the period of his service as a Judge of a High Court towards service for that pension.

27. If a Judge, who at the time of his appointment to a High Court was a member of one of the Government Services in India, is permitted to retire after six years and nine months of service for pension as Judge, he shall have the option of taking

his pension or retiring allowance either under these rules or under the rules applicable to the Branch of the Service to which he belonged when appointed, reckoning in the latter case, the period of his service as a Judge of a High Court towards his service for pension under those rules.

28. The words "a member of one of the Government Services in India" in Rules 26 and 27 include an acting member, and for the purpose of these rules acting service in the appointment held at the time of appointment as a Judge of the High Court shall be regarded as substantive.

29. In the event of the appointment to be a Judge of a High Court of a retired Judge who is in receipt of a pension under the preceding rules, the Secretary of State in Council shall decide in each case whether his salary shall be reduced by the amount of such pension, or by any part of such amount.

30. No Judge, selected from the Indian Civil Service, shall receive any pension under these rules unless he shall have fully complied with all the rules and regulations in force for the time being as to payments to be made by him as a member of the Indian Civil Service on account of the provision for pension to his wife and children.

31. If a Judge is transferred from one High Court to another, the period he has served in each Court shall count towards his qualification for pension.

32. A Judge appointed under Statute 5 and 6 Geo. V, Chapter 61, section 105, to perform the duties of Chief Justice is not a Chief Justice within the meaning of these rules as to pension: provided that, if such Judge be afterwards appointed to be a Chief Justice, the period during which he performed the duties of Chief Justice as aforesaid shall count as service for pension according to the table in Rule 24; provided also that the period during which a Judge performs (under Statute 5 and 6 Geo. V, Chapter 16, section 105) the duties of Chief Justice of the High Court at Calcutta shall not count towards pension at a rate exceeding £1,500 a year unless such Judge is subsequently appointed to the office of Chief Justice of the said High Court at Calcutta.

32-A. The Civil Pensions (Commutation) Rules shall, as far as possible, apply to the Judges.

33. The above rules shall apply to every Judge now holding office, as well as to those who may be hereafter appointed.

Section IV.—Expenses for Equipment and Voyage.

34. For the purpose of defraying the expenses of equipment and voyage from Europe on first appointment there shall be allowed—

To a Chief Justice or other Judge of one of the several High Courts in India £500, if permanently resident in Europe at the time of appointment, provided that the allowance is not payable to a Chief Justice or Judge who was a member of the Government services in India at the time of his appointment.

Section V.—Travelling Allowances.

35. (1) A Judge is entitled when travelling on duty—

- (i) when travelling by railway, to a reserved first class compartment, and to fares (if actually paid) for four servants at lowest class rates;
- (ii) when travelling by steamer, to a reserved cabin (if one is available) and to fares (if actually paid) for four servants at lowest class rates, subject to the usual deduction on account of messing charges; and
- (iii) when travelling by road, to a mileage of one rupee. He is also entitled to draw daily allowance at the rate of 15 rupees for each day on which he has been engaged on inspection work.

Provided that if any persons (other than four servants) accompany a judge in his reserved accommodation, fares shall be payable by him on their account, and if full tariff rates have been paid for the accommodation, shall be credited to Government.

(2) For the purposes of this rule, a Judge shall be deemed to be travelling on duty if, not being a Vacation Judge, he travels :—

- (a) from any place in India for the purpose of doing duty during the vacation in the High Court of which he is a Judge, or
- (b) during the vacation for the purpose of returning to any such place after completion of such duty.

35-A. A Judge is entitled, in addition to allowances admissible under Rule 35, to recover the actual cost incurred by him while travelling on inspection or circuit duty on the transport of a conveyance and two horses or of a motor car, including the fares of one syce for each horse or one driver or cleaner for the car.

35-B. A Judge of the High Court of Judicature at Patna proceeding on circuit to Cuttack is entitled to the following concessions :—

- (1) He may travel *via* Calcutta;
- (2) He will draw halting allowance at the rate of Rs. 15 a day for such period as it may be necessary for him to remain in Cuttack in connection with his duties;
- (3) He will draw daily allowance for the day on which he arrives at or leaves Cuttack if he sits in Court on that day.

36. Whenever a Judge who has been sitting at Rangoon, is required by the Chief Justice to sit in Mandalay under the provisions of clause 41 of the Letters Patent constituting the High Court of Judicature at Rangoon, with the intention that he shall sit in Mandalay for a period of not less than 20 days, there shall be paid to him the expenditure actually incurred by him on his journey to Mandalay and on his return journey to Rangoon for the transport of the following persons and goods :—

- (i) the Judge himself by a reserved first class compartment;
- (ii) any members of the family of the Judge normally resident with him who do not travel in the reserved compartment by passenger train at first class rates. For the purpose of this rule the family of the Judge means his wife, his legitimate children and his step-children residing with him;
- (iii) personal servants, not exceeding eight in number, by passenger train at lowest class rates;
- (iv) personal effects, not exceeding the expenditure which would be incurred in the transport of 60 maunds of goods by road and by goods train, and the expenditure incurred in embarking and disembarking such personal effects; and
- (v) a conveyance and two horses or a motor car by passenger train at owner's risk.

37. When a Government servant, appointed to be a Judge, travels by railway to join his post, he may, at his option and in lieu of drawing travelling allowance under the ordinary rules governing a journey on transfer applicable to him, travel in reserved first class compartment.

The Government servant, when he avails himself of this concession, must pay to Government the fare which he would have paid if no accommodation had been reserved, and must in addition, pay in cash to the station master of the station from which the journey commences, the fares for any members of his family accompanying him, whether they share his reserved accommodation or not. When Government pays full tariff rates for the accommodation, all such fares will be credited to Government.

38. When a person not already in Government service is appointed to be a Judge, he may, when travelling by railway to join his post, travel in a reserved first class compartment on the condition described in rule 37.

39. When a Judge travels by railway—

- (i) when proceeding on or returning from leave (including vacation spent outside India), or
- (ii) when retiring from the service or proceeding to join another post after resigning office, he may travel in a reserved first class compartment on the condition described in rule 37.

40. When a Judge is transferred from one High Court to another there shall be paid to him the expenditure actually incurred by him on his journey by railway or by steamer to the place of the sitting of the other High Court for the transport of the following persons and goods :—

- (i) the Judge himself by a reserved first class compartment or a reserved first class cabin (if one is available);
- (ii) any members of the family of the Judge normally resident with him who do not travel in the reserved compartment or cabin by passenger train or steamer at first class rates; for the purpose of this rule the family of the Judge means his wife, his legitimate children and his step-children residing with him;
- (iii) personal servants, not exceeding eight in number by passenger train or steamer at lowest class rates;
- (iv) personal effects, not exceeding the expenditure which would be incurred in the transport of 60 maunds of goods by road and by goods train or steamer, and the expenditure incurred in embarking and disembarking such personal effects; and
- (v) conveyance and two horses or a motor car by passenger train or by steamer at owner's risk.

SECTION VI.

Passages during term of office.

41.* (1) A member of the Indian Civil Service appointed to be a Judge on or before the 1st April 1924, shall be entitled to the benefits of Rule 12 of the Superior Civil Services Rules.

(2) A Member of the Indian Civil Service appointed to be a Judge after the 1st April 1924, shall be entitled to the benefits of Rule 12 of the Superior Civil Services Rules to the extent of the balances standing to his credit in his passage account and in the passage accounts of his wife and children at the date of his appointment as Judge.

42.* A Judge who is not a member of the Indian Civil Service but whose domicile at the date of his appointment was elsewhere than in Asia shall be entitled to the benefits of Rule 12 of the Superior Civil Services Rules to the same extent and under the same conditions as if on the date of his appointment as Judge he had been appointed to one of the posts specified in Appendix A to Schedule IV to the Superior Civil Services Rules;

Provided that such a Judge shall not be entitled to the concession admissible under Regulation 7 of that Schedule; and further that if he has received an allowance under Rule 34, he shall not be entitled to a passage for himself or for his wife until the completion of five years, or to a second passage until the completion of ten years' total service as a Judge of a High Court.

Section VII.—Residential Accommodation.

43. If a Judge is provided with residential accommodation, either leased or owned by Government, it shall be on such conditions in regard to the payment of rent and otherwise as are for the time being applicable to members of the Indian Civil Service serving under the administrative control of the Governor-General in Council in the town in which the headquarters of the Court to which the Judge belongs is situate.

Section VIII.—Provident Fund.

44. A Judge who is not a member of the Indian Civil Service shall be entitled to subscribe to the General Provident (Superior Civil Services) Fund in accordance with the rules of that Fund:

Provided that nothing in this rule shall have effect so as to give to a Judge who is a member of a Civil Service of the Crown in India less favourable terms in

* These revised rules take effect from the 1st April 1924.

regard to General Provident Fund benefits than those to which he would be entitled as a member of the Civil Service if he had not been appointed a Judge.

Reversion to the General Service.

544. (a) An officer subject to the rules of any of the other Chapters of these Regulations, who has for a time been removed from the operation of such rules by reason of officiating as Judge of the High Court, shall, on return to general service, have to his credit the same amount of service towards Privilege leave as was at his credit when he began to officiate as High Court Judge.

(b) In addition to this, he is entitled to count towards Privilege leave, under the rules to which he is subject, any period that has elapsed since he last obtained Privilege leave or enjoyed vacation as High Court Judge, which he could have counted for Privilege leave as a High Court Judge if his officiating service had been prolonged until leave became admissible under the rules applicable to Judges of the High Court.

545. If a Judge, who is a member of the Indian Civil Service or a Statutory Civil Servant, shall be permitted to resign his office and remain in the service, all leave which he may have taken as a Judge of the High Court shall be reckoned as if it had been taken under the rules for the leave of absence of members of the Indian Civil Service or Statutory Civil Servants, as the case may be.

545-A. A Chief Judge of a Chief Court who before his appointment as such was a permanent Judge of a High Court in India shall be entitled on retirement from the Chief Court to a pension equal to that which he would have received had the period of his service as Chief Judge of a Chief Court been rendered as a Judge of a High Court.

Chapter XXIV.—Barrister, Vakil, Pleader, Solicitor or Attorney Appointments.

546. No Civil officer, whether a member of the Indian Civil Service or otherwise is entitled to any special privileges by reason of his being a Barrister, Vakil, Pleader, Solicitor or Attorney, unless on his first admission to the service he is appointed to some office in which the Local Government, with the sanction of the Government of India, has declared it to be necessary on public grounds to employ a Barrister, Vakil, Pleader, Solicitor or Attorney.

NOTE.—[This Article is intended to debar from the benefits of this Chapter (1) a barrister, vakil, pleader, solicitor or attorney who first enters Government service in an appointment to which it is not certified to be necessary to appoint such an officer, and (2) a member of an ordinary Government service who happens also to be a barrister, vakil, pleader, solicitor or attorney.

If, however, there are special circumstances which appear to justify a departure from the general rule in the case of any individual officer, as, for example, when a permanent appointment to which the subsequent provisions of this Chapter ordi-

narily apply, follows a purely temporary incumbency in one which would ordinarily disqualify from the benefits of those provisions, the case should, if it is desired to grant any concession, be referred to the Government of India before the officer is confirmed in the later appointment.]

547. (a) The following officers, not being members of the Indian Civil Service, are entitled to the special privileges detailed in this Chapter :—

Barrister and Pleader Judges of a Chief Court,	} if Barristers.
First Judges of Small Cause Courts of Presidency towns,	
Secretary to the Government of India in the Legislative Department,	
Judicial Commissioner or Additional Judicial Commissioner of the Central Provinces,	
Administrator-General and Official Trustee, Bengal,	
Chief Judge of the Court of Small Causes, Rangoon, Additional Judicial Commissioner of Sind, and of the North-West Frontier Province,	
Administrator-General and Official Trustee, Bombay,	
Legal Remembrancer and Secretary to the Legislative Council, Punjab,	
Administrator-General and Official Trustee, Madras,	
Administrator-General, Official Trustee, Official Assignee and Official Receiver in Burma.	

(b) The following officers, not being members of the Indian Civil Service, enjoy the special pensionary concessions mentioned in Article 549 :—

Chief Judges of Small Cause Courts of Presidency towns,	} if Vakil, Pleader, Solicitor or Attorney.
Chief Judge of the Court of Small Causes, Rangoon,	
Judicial Commissioner or Additional Judicial Commissioner of the Central Provinces,	} if Vakil or Pleader.
Additional Judicial Commissioner of Sind and of the North-West Frontier Province.	

Leave Rules.

548. (a) Except in the case of the Legal Remembrancer and Secretary to the Legislative Council, Punjab, the Statutory Rules which regulate the furlough and leave of absence of High Court Judges (Article 543, Rules 6 to 26) are also applicable to the officers in the preceding Article.

(b) The allowances of these officers while on Furlough or Subsidiary leave must not exceed half their salaries at the time of proceeding on leave, and are limited also to the rate prescribed in Statutory Rule No. 15, Article 543.

(c) Deleted. [With effect from the 27th May 1930.]

Special Pensions.

549. (a) Special pensions are admissible on the following scale, but the officers named in Article 547 are otherwise subject to the "Ordinary Pension" Regulations in Part IV:—

Length of actual service.	Pension Admissible.		
	Barrister and Pleader Judges of Chief Court.	Barrister or Pleader Judicial Commissioner or Additional Judicial Commissioner of the Central Provinces and Additional Judicial Commissioner of Sin and of the North-West Frontier Province.	Barrister incumbents of the other appointments enumerated in Article 547.
	£	£	£
6½ years but less than 8½ years	500	375	375
8½ years but less than 10 years	600	450	450
10 years but less than 11½ years	800	600	600
11½ years and over	1,000	750	750

No officer who has not attained the age of 60 years shall receive a pension under this Article unless he either retires on medical certificate or has had an actual service of at least 11½ years.

NOTE.—[A Chief Court Judge who renders officiating actual service as a High Court Judge is entitled to count such service as actual service for a pension as a Chief Court Judge. A first Judge of a Small Cause Court in a Presidency town, who is appointed Judge of a Chief Court and does not complete $11\frac{1}{2}$ years' actual service in either of the appointments, is entitled to count his actual service in the Chief Court as actual service in the former appointment towards the maximum pension of £750 a year. A Legal Remembrancer and Secretary to the Legislative Council, Punjab, who is appointed a Judge of the High Court and does not complete $11\frac{1}{2}$ years' actual service in either of the appointments is entitled to count his actual service in the High Court towards the maximum pension of £750 a year admissible under this Article.]

(b) The actual service of the officers referred to in Article 547 includes, besides time spent on duty, whether in substantive or acting service, Privilege leave, Subsidiary leave, and periods of vacation during which the officer is not on Furlough or Extraordinary leave.

Provided that in the case of officers, who are entitled to leave under the High Court Judges (India) Rules, 1922, 'actual service' shall have the same meaning as 'service for pension' as defined in those Rules. *[Save that in the case of the Secretary to the Government of India in Legislative Department all leave on full allowances taken under the High Court Judges (India) Rules, 1922, shall count for pension up to a maximum of four months on each occasion in lieu of the one month or the period actually taken whichever is less of each period of leave on full allowances admissible under those rules.]

Compulsory Retirement.

550. Officers to whom the rules of this Chapter applied on the 25th June 1901 are exempt from the rule in Article 459 regarding retirement at 55 years of age. Officers who after that date become subject to the rules in this Chapter are required to retire on attaining the age of 60 years.

NOTE.—[The rule in the second sentence of this Article applies to officers, not being members of the Indian Civil Service, who hold the appointments enumerated in Article 547, but do not fulfil the conditions of Article 546.]

Chapter XXV.—Members of the Indian Civil Service.

Date of Arrival in India.

551. The date of an officer's first arrival in India is held to be the date on which he reports his arrival at the capital town of the Presidency or province to which he has been posted by the Secretary of State or the Government of India, or at any other station to which he may proceed under the orders of the Local Government.

552. Article 187 in Chapter IX (joining time) provides for the case of an officer being unable from illness to proceed to the seat of Government.

Rules regarding Pay and Allowances.

553. Unless there be something repugnant in the subject or context, pay and allowances are governed by the rules in Part II. Acting allowances are calculated in accordance with the rules in Articles 104 to 108.

Leave Rules.

554. The leave rules applicable are the European Service Leave Rules in Part III.

1. The rules applicable to a member of the Indian Civil Service occupying the position of a High Court Judge are laid down in Chapter XXIII.

2. The grant to a member of the Indian Civil Service occupying the position of a Chief Court Judge, of privilege leave, and the conditions under which leave may be combined with vacation on full pay, are regulated by Rules 17 and 24 (A), Article 543.

555. Except in the case of Judges of Chief Courts, no leave but Privilege leave may be granted to an officer who has completed thirty-five years' service. Any leave other than Privilege leave granted before such date ceases to have effect on the date the officer completes thirty-five years' service.

Four Per Cent. Deductions.

556. Four per cent. shall be deducted at the time of payment from every officer's pay, and from such of his other public emoluments as are mentioned below :—

Every allowance excepting—

- (1) Minimum furlough allowance,
- (2) Subsistence allowance while on furlough,
- (3) Establishment allowance.
- (4) Sumptuary allowance,
- (5) Travelling allowance,
- (6) Tentage.

The amounts so deducted shall be funded for the benefit of the officer himself with effect from the 1st April 1919. They shall be returned to him on retirement, or his legal representative in case of death, with the same interest as is allowed on subscriptions to the General Provident Fund.

NOTE 1.—[Fees or honoraria paid by Government to Examiners for conducting examinations and rewards for passing examinations in languages are not liable to the deduction prescribed in this Article.]

NOTE 2.—[The deduction prescribed in this Article is not made from the salary of an Ordinary Member of the Council of the Governor-General, or of the Council of the Governor of Madras or Bombay or Bengal, or of the Council of the Lieutenant-Governor of any Province.]

Civil Fund Deductions.

557. Deductions on account of subscriptions to Civil Funds shall be made at the time of payment from the emoluments of officers according to the rules of the Fund to which the officer belongs. The Funds are—

A.—Bengal Civil Fund.

C.—Bombay Civil Fund.

B.—Madras Civil Fund.

D.—Indian Civil Service Family Pension Regulations.

NOTE.—[The rates of subscriptions to the several Funds are given in Appendix II.]

558. and **559.** Cancelled.

560. (a) The recovery of subscriptions due on the absentee allowances of subscribers to the Bengal, Madras, and Bombay Civil Funds, is made under the following rules:—

- (1) If the officer is on leave out of India and draws his allowances in England and has not paid his subscription in advance, or made arrangements for its payment in India as it falls due, recovery will be made at the Home treasury by deduction from his absentee allowances, unless he is a member of the Bengal or Madras Civil Fund, and has exercised the option allowed to members of those funds of postponing the payment of his subscriptions until after return to duty.

N.B.—[The option allowed to subscribers to the Bengal Civil Fund of postponing payment of subscriptions on absentee allowances is limited to a period of one year.]

- (2) For payment of leave allowances in any of His Majesty's colonies, warrants will be issued only on condition that the subscriptions shall be either paid in advance or taken by deduction; in the latter case the warrant to the colony should show only the net allowance payable after such deduction.

(b) The recovery of subscriptions due on the absentee allowances of subscribers to the Indian Civil Service Family Pension Regulations is made under the following rules:—

- (1) If the subscriber is in Europe, the rules require his subscription to be paid in England in sterling, and recovery of it will therefore be made at the Home treasury by deduction from his absentee allowances.
- (2) For the payment of leave allowances in the colonies, the warrants issued will show the gross allowances payable, with instructions to recover the amount of monthly subscription due in sterling.

Retirement and Annuity.

561. An officer who has been twenty-five years in the service, counting from the date of his covenant [or from the date of the despatch of

the Secretary of State announcing his appointment (whichever may have been earlier)]* and who has rendered twenty-one years' active service, is entitled, on his resignation of the service being accepted, to an annuity of Rs. 10,666-10-8. The annuity is subject to a minimum of £1,000.

562. An officer who resigns the service will, by such resignation, vacate any office under the Government which he may then be holding. But this rule does not apply to the offices of Viceroy and Governor-General of India, Governor of Madras, Governor of Bombay and Governor of Bengal.

563. The resignation of the Civil Service by a Lieutenant-Governor, Member of the Council of the Governor-General, or of the Council of a Governor or of a Lieutenant-Governor, or Judge of a High Court, shall not be accepted unless his resignation of his office is at the same time tendered and accepted.

564. An officer who, having arrived in India, is declared by a medical certificate in due form to be incapacitated for further service, and is thereupon permitted to resign the service before he is entitled to an annuity under Article 561, is entitled to a gratuity of annuity as follows :—

(a) If invalidated on or after the 1st April 1919—

For total active service of less than 4 years—a gratuity of Rs. 5,333½ subject to a minimum of £500.

For total active service of not less than 4 years but less than 5 years—an annuity of Rs. 1,600 subject to a minimum of £150.

For total active service of not less than 5 years but less than 6 years—an annuity of Rs. 1,813½ subject to a minimum of £170.

For total active service of not less than 6 years but less than 7 years—an annuity of Rs. 2,133½ subject to a minimum of £200.

For total active service of not less than 7 years but less than 8 years—an annuity of Rs. 2,453½ subject to a minimum of £230.

For total active service of not less than 8 years but less than 9 years—an annuity of Rs. 2,773½ subject to a minimum of £260.

For total active service of not less than 9 years but less than 10 years—an annuity of Rs. 3,093½ subject to a minimum of £290.

For total active service of not less than 10 years but less than 11 years—an annuity of Rs. 3,413½ subject to a minimum of £320.

For total active service of not less than 11 years but less than 12 years—an annuity of Rs. 3,840 subject to a minimum of £360.

For total active service of not less than 12 years but less than 13 years—an annuity of Rs. 4,266½ subject to a minimum of £400.

For total active service of not less than 13 years but less than 14 years—an annuity of Rs. 4,693½ subject to a minimum of £440.

For total active service of not less than 14 years but less than 15 years—an annuity of Rs. 5,120 subject to a minimum of £480.

* The words in square brackets occurring in Article 561 do not apply to persons appointed to be members of the Indian Civil Service, on probation, under Rule 2 of the Indian Civil Service (Probationary Service) Rules, 1937, or corresponding rules made thereafter.

For total active service of not less than 15 years but less than 16 years—an annuity of Rs. 5,760 subject to a minimum of £540.

For total active service of not less than 16 years but less than 17 years—an annuity of Rs. 6,400 subject to a minimum of £600.

For total active service of not less than 17 years but less than 18 years—an annuity of Rs. 7,040 subject to a minimum of £660.

For total active service of not less than 18 years but less than 19 years—an annuity of Rs. 7,680 subject to a minimum of £720.

For total active service of not less than 19 years but less than 20 years—an annuity of Rs. 8,320 subject to a minimum of £780.

For total active service of not less than 20 years but less than 21 years—an annuity of Rs. 8,960 subject to a minimum of £840.

For total active service of not less than 21 years—an annuity of Rs. 9,600 subject to a minimum of £900.

(b) If the officer was in service on the 5th November 1919, he may, at his option, obtain a gratuity or annuity according to the following scale :—

For less than 5 years' service—a gratuity of Rs. 5,333 $\frac{1}{3}$ subject to a minimum of £500.

For 5 years' completed service an annuity of Rs. 1,600 subject to a minimum of £150.

For 6 years' completed service an annuity of Rs. 1,813 $\frac{1}{3}$ subject to a minimum of £170.

For 7 years' completed service an annuity of Rs. 2,026 $\frac{2}{3}$ subject to a minimum of £190.

For 8 years' completed service an annuity of Rs. 2,240 subject to a minimum of £210.

For 9 years' completed service an annuity of Rs. 2,453 $\frac{1}{3}$ subject to a minimum of £230.

For 10 years' completed service an annuity of Rs. 2,666 $\frac{2}{3}$ subject to a minimum of £250.

For 11 years' completed service an annuity of Rs. 2,880 subject to a minimum of £270.

For 12 years' completed service an annuity of Rs. 3,093 $\frac{1}{3}$ subject to a minimum of £290.

For 13 years' completed service an annuity of Rs. 3,413 $\frac{1}{3}$ subject to a minimum of £320.

For 14 years' completed service an annuity of Rs. 3,733 $\frac{1}{3}$ subject to a minimum of £350.

For 15 years' completed service an annuity of Rs. 4,053 $\frac{1}{3}$ subject to a minimum of £380.

For 16 years' completed service an annuity of Rs. 4,373 $\frac{1}{3}$ subject to a minimum of £410.

For 17 years' completed service an annuity of Rs. 4,693 $\frac{1}{3}$ subject to a minimum of £440.

For 18 years' completed service an annuity of Rs. 5,013 $\frac{1}{3}$ subject to a minimum of £470.

For 19 years' completed service an annuity of Rs. 5,333 $\frac{1}{3}$ subject to a minimum of £500.

For 20 years' completed service an annuity of Rs. 5,653½ subject to a minimum of £530.

For 21 years' completed service an annuity of Rs. 5,973½ subject to a minimum of £560.

For 22 years' completed service an annuity of Rs. 6,293½ subject to a minimum of £590.

For 23 years' completed service an annuity of Rs. 6,613½ subject to a minimum of £620.

For 24 years' completed service an annuity of Rs. 7,040 subject to a minimum of £660.

For 25 years' service (of which less than 21 years have been active service) Rs. 7,466½ subject to a minimum of £700.

***564-A.** Officers who, prior to their civil employment, have rendered wholetime enlisted or commissioned service between the 4th August, 1914, and the 31st August, 1921, in His Majesty's Military, Naval or Air Forces, British or Indian, which did not earn a service pension under the Military, Naval or Air Force Rules, shall count completed years of such service, including sick leave taken during such service, up to a maximum of four years, for the purposes of Articles 561 and 564 subject to the following conditions :—

(1) Only service rendered after the attainment of the age of 23 years shall be allowed to count.

(2) Save as stated in Note 2, no refund of bonus or gratuity received in respect of such service shall be required from the officer.

NOTE 1.—Members of the service (excluding Surplus Officers of the Indian Army) shall be entitled to the concession allowed by the substantive portion of this Article or to the following concession whichever is more favourable :—

Service in His Majesty's Forces will count for active and total service for annuity, including invalid annuity, as follows :—

Candidates who had attained the age of 25 but were under the age of 27 years on the 1st August preceding their arrival in India, may count a period not exceeding one year, provided that such period was spent on wholetime enlisted or commissioned service (including sick leave) between the 4th August, 1914, and the 31st August, 1921. Candidates of 27 years and over on the 1st August preceding their arrival in India may similarly count a period not exceeding two years subject to the same proviso.

NOTE 2.—Officers of the Indian Army retired as surplus under the terms of the Royal Warrant of 25th April, 1922, shall be entitled to the concession allowed by the substantive portion of this Article or to the following concession whichever is more favourable :—

They shall be allowed to count as active and total service for annuity including invalid annuity, all service in the Indian Army (excluding service in the British Army which would have counted for Indian Army pension) rendered after attaining the age of 23 years, and subject to a maximum period in all of four years, but the gratuity, if any, received by them under that Royal Warrant shall be refunded to Government.

564-B. The power of withholding or withdrawing the whole or any part of an Annuity under Article 351 shall be exercised only by the Secretary of State in Council.

Unfitness for further Advancement.

564-C. The grant of an annuity to an officer of the Indian Civil Service who is proved to be unfit for further advancement and is removed from service by the Secretary of State on the recommendation of the Local Government and the Government of India, is regulated by Article 353-A.

Compulsory Retirement.

565. (a) After thirty-five years' service, counting from the date of his arrival in India, an officer shall not, except for special reasons, and with the sanction of the Secretary of State, retain his office or be appointed to any new office: Provided that if such an officer has held his office for less than five years, he may, for special reasons, with the sanction of the Government of India, be permitted to retain his office until he has held it for five years. The term "office" in this Article includes an officiating appointment.

NOTE.—[This rule does not apply to an officer holding the appointment of a Judge of a Chief Court. Such an officer is required to vacate his appointment on attaining the age of 60 years.]

(b) The period of five years begins to run from the date on which the officer first takes up the office, whether substantively or temporarily, provided that, if temporary, he is confirmed without reverting to his substantive appointment; but the currency of the period is not interrupted by any subsequent temporary promotion to a higher appointment.

NOTE.—[The term "office" as used in this Article does not include any office held under direct appointment by His Majesty the King-Emperor of India or by the Governor-General with the approval of the King-Emperor, but the retention of such an office should be subject to the condition prescribed in Article 563.]

Chapter XXVI.—Statutory Civil Servants.

Article 566 cancelled [By the Governor General in Council.]

Chapter XXVII.—Ecclesiastical Officers.

SECTION I.—BISHOPS.

567. The leave of absence of the Bishops of Calcutta, Madras and Bombay is regulated by the following Statutory Rules made under Royal Warrant, dated 13th April 1920, under Statutes 5 and 6 Geo. 5, c. 61, s. 121:—

1. Bishops may be allowed furlough or extraordinary leave.
2. The amount of furlough earned by a Bishop is one-third of the time during which he has been on duty and the furlough due is the amount earned diminished by the amount taken.
3. Furlough which is due may be granted to a Bishop for not more than eight months at a time.

4. On medical certificate, furlough may be granted to a Bishop, or furlough already granted may be extended, up to a maximum of eighteen months at a time, even if the amount of furlough due is less than eighteen months.

5. Leave under Rules 2 to 4 above may be granted to the Metropolitan by the Governor-General in Council, and to the Bishops of Madras and Bombay by the Government of those Presidencies on the recommendation of the Metropolitan.

6. The Governor-General in Council may grant to a Bishop furlough which is not due for a period not exceeding three months, either by itself or in continuation of furlough already granted when the furlough is required for extraordinary or wholly special purposes, such as attendance at a Lambeth Conference. Furlough which is not due cannot be granted for private or domestic reasons however emergent they may be or for ordinary church purposes.

NOTE.—[Furlough which is not due is granted to the Bishop of Madras or Bombay under this rule on the recommendation of the Metropolitan, and with the concurrence of the Local Government concerned.

7. A Bishop who at the time of his appointment as such was a member of any of the Government services in India, and had at his credit furlough without medical certificate under the rules applicable to the branch of the service to which he belonged, may be granted furlough for a period not exceeding the amount so standing at his credit; provided that such furlough shall not be taken until after the completion of two years on duty as Bishop of Calcutta, Madras or Bombay as the case may be, and shall not exceed eight months.

8. The Governor-General in Council may in his discretion grant extraordinary leave to a Bishop even when no furlough is admissible under the above rules.

567-A. *Cancelled.*

568. The following rules made under Statute 5 and 6 Geo. 5, c. 61, s. 118 by the Secretary of State for India in Council (in supersession of the rules made under the same section on the 16th March 1920) regulate the salaries and allowances of the Bishops of Calcutta, Madras and Bombay, and the allowances of the Archdeacons of Calcutta, Madras and Bombay.

1. The Bishop of Calcutta and the Bishop of Madras or Bombay shall be paid salaries at the rates of Rs. 3,831-6-8 and Rs. 2,133-5-4 a month respectively.

2. The Archdeacon and Acting Archdeacon of Calcutta, Madras or Bombay shall receive special allowances of Rs. 266½ and Rs. 166½ a month respectively in respect of his Archdeaconry.

3. The Bishop of Madras or Bombay exercising the jurisdictions and functions appertaining to the See of Calcutta during the vacancy of the See by the demise of the Bishop thereof for the time being or otherwise, shall receive the full salary fixed for the office, *viz.*, Rs. 3,831-6-8 a month.

4. A Bishop while absent on extraordinary leave is not entitled to any allowances.

5. A Bishop while absent on furlough shall be allowed full pay, less Rs. 500 a month, but no other allowances, except that, when the Bishop of Madras or Bombay is appointed Provincial Commissary by the Bishop of Calcutta, the Bishop of Calcutta shall receive the salary of his office, less Rs. 833-5-4 a month, and the Provincial Commissary an allowance of Rs. 333-5-4 a month in addition to his salary as Bishop of Madras or Bombay.

6. The Bishop of Calcutta, Madras or Bombay when on tours of visitation shall draw a monthly allowance of Rs. 1,000 (which is intended to cover all his expenses and those of his clerks and messengers for journeys by land) for the whole period of visitation, in addition to the actual expenses of journeys by sea: provided that the monthly allowance shall not be drawn by any individual Bishop for more than eighteen months in every three years of his term of office. The allowance is admissible only when the Bishop is actually engaged in episcopal visitation or is travelling with that object in view.

7. (a) An Archdeacon or a Chaplain appointed to hold of a Diocese during the absence on leave of a Bishop or during a vacancy in the See, shall receive an allowance of Rs. 500 a month in addition to the pay of his substantive office and the travelling and other similar allowances admissible to the Bishop.

(b) The allowance of Rs. 500 shall be paid to an Archdeacon or Acting Archdeacon for holding charge of a Diocese in addition to his allowances as Archdeacon or Acting Archdeacon.

569. *Cancelled.*

569-A. (a) The pensions of the Bishops of Calcutta, Madras and Bombay are regulated by Statute 5 and 6 Geo. 5, Cap. 61, s. 120, as amended by 6 and 7 Geo. 5, Cap. 37, s. 7 (1), as follows:—

“His Majesty may, by warrant under the Royal Sign Manual, countersigned by the Secretary of State, grant, out of the revenues of India, to any Bishop of Calcutta a pension not exceeding fifteen hundred pounds per annum if he has resided in India as Bishop of Calcutta, Madras or Bombay or Archdeacon for ten years, or one thousand pounds per annum if he has resided in India as Bishop of Calcutta, Madras or Bombay for seven years or seven hundred and fifty pounds per annum if he has resided in India as Bishop of Calcutta, Madras or Bombay for five years, or to any Bishop of Madras or Bombay a pension not exceeding eight hundred pounds per annum, if he has resided in India as such Bishop for fifteen years.”

(b) When a Statutory Bishop, who at the time of his appointment as such was a member of one of the permanent services in India, is permitted to retire without becoming entitled to a statutory pension, he will receive such pension as he might receive under the rules applicable to the branch of the service to which he so belonged and will reckon the period of his service as Bishop towards that pension.

570. The official status of the Bishops of Lahore, Rangoon, Lucknow and Nagpur is that of a Senior Chaplain, and they are subject to all the rules in Articles 573 to 599, except the proviso contained in Article 583 (a) (iv). Articles 567 and 569-A do not apply to them.

SECTION II.—ARCHDEACONS, AND PRESIDENCY SENIOR CHAPLAINS OF THE CHURCH OF SCOTLAND.

571. The following special allowances are granted to the Archdeacon of Lahore and the Presidency Senior Chaplains of the Church of Scotland:—

	Substantive officers. Rs.	Officiating. officers. Rs.
Archdeacon of Lahore or Presidency Senior Chaplain of the Church of Scotland in Calcutta	200	100
Presidency Senior Chaplain of the Church of Scot- land in Madras or Bombay	150	75

572. Formal appointment of the Archdeacon by the Government to hold charge of a Diocese is not necessary to enable the Accountant General to pass the extra allowance of Rs. 500 [Rule 7 (a) in Article 568] and the travelling and other allowances admissible to the Bishop. Notice officially received that the Government has directed the Archdeacon to undertake the Bishop's jurisdiction or to take charge of the Diocese is sufficient.

SECTION III.—CHAPLAINS.

Residence and Service.

573. (a) Residence (or Active Service) is reckoned, in the case of a Chaplain appointed in the ¹[United Kingdom] from the date of his arrival in India; and in the case of a Chaplain appointed while resident in India, from the date on which he takes charge of his office, but he must not assume charge before the despatch from the Secretary of State appointing him is received in India. Residence includes, besides time spent on duty,—

(i) Privilege and Subsidiary leave.

(ii) Time passed out of employ in India otherwise than on leave.

²(iii) Subject to the provisions of Article 576, probationary service passed under Government in the case of all Chaplains, and probationary service not passed under Government in the case of Chaplains appointed before the 1st December 1939.

(b) "Service" includes "Residence" and also all time spent on leave of any description, but (except as provided in Article 576) no period before the beginning of "Residence."

Date of Arrival in India.

574. A Chaplain is held to have arrived in India on the date on which he reports his arrival either at the headquarters of the Diocese to which he is attached (in the case of the Church of Scotland, at the headquarters of the Presidency to which he is appointed) or at any other station to which he may be appointed or directed to proceed.

575. (a) A Chaplain on the Bengal Establishment who is posted in England to the Lahore Diocese or to any station in the Central Provinces, or north of Allahabad, who comes to India *via* Bombay, or by direct steamer to Karachi, and who is instructed by the Secretary of State to enquire from the Secretary to the Government of Bombay, or, at Karachi, from the Commissioner in Sind, for orders as to his ultimate destination, is held to have arrived in India on the date on which he

¹[] Substituted for the word "England" by the Secretary of State.

²Substituted for the Note to this clause by the Secretary of State.

reports his arrival at the station to which he is directed to proceed in the orders he receives at Bombay, or at Karachi, if he travels by direct steamer to that port.

(b) A Chaplain who is not on the Bombay Establishment and who is not posted to any station in the Lahore Diocese or to any station in the Central Provinces or north of Allahabad, but who comes out to India *via* Bombay, is held to have arrived in India from the date on which he reports his arrival at the Presidency town of the Presidency to which he is attached, or if he receives orders at Bombay to proceed to any particular station, from the date of his arrival at that station.

(c) The reports of arrival, in each instance, is to be made to the Bishop of the Diocese to which the Chaplain is attached. In the case of the Church of Scotland report of arrival is made to the Presidency Senior Chaplain of the Presidency to which the Chaplain is appointed.

Probationers.

576. A Chaplain serves on probation for two years (three years in the case of those who entered the service on or before the 22nd September 1915), at the end of which he is, if reported fit by a Medical Board in India and considered qualified by the Bishop of his Diocese (in the case of the Church of Scotland by the ¹[Chaplain recognised by Government as the executive head of the Church of Scotland Establishment]) confirmed as a Junior Chaplain. Time spent in India on service under the Additional Clergy Society, or on other approved service, may ²[if the Chaplain was appointed before the 1st December 1939], be included in the period of probation. Probationary service, which is passed under the Government counts in all cases towards leave and gratuity, and if the Chaplain was appointed after the 17th March 1892, it also counts towards pension. Probationary service, which is not passed under the Government, does not count towards leave or gratuity, but if the Chaplain was appointed after the 17th March 1892, it counts towards pension.

NOTE.—[A clergyman must have been three year in orders and must be in priest's orders and must have attained the age of 27 years before his nomination as a probationer, or before he can count approved service not passed under Government towards probation. This condition does not apply in the case of the Church of Scotland Establishment.]

577 to 579. *Cancelled.*

Rules regarding Leave.

NOTE.—[A Chaplain on probation is entitled to the same leave as if he held a substantive appointment.]

580. The amount of Furlough "admissible" to a Chaplain is limited to six years. All the rules in this Section are subject to this limitation.

¹[] Inserted by the Secretary of State in substitution of the words "Presidency Senior Chaplain of the Presidency".

²[] Inserted by the Secretary of State.

581. The amount of Furlough "earned" by a Chaplain is one-fourth of his Active Service, and (in the case of Chaplains appointed before the 29th July 1906) three months in addition thereto.

582. The amount of Furlough "due" to a Chaplain is the amount which he has earned, diminished by the amount of Furlough which he has enjoyed.

583. (a) To a Chaplain who has rendered three years' Continuous Service, furlough for not more than two years may be granted as follows :—

Firstly, on medical certificate, unconditionally (see Articles 828 to 832 and 836 to 838, for the procedure rules).

Secondly, without medical certificate, subject to the following provisos :—

- (i) that the Furlough be due to him ;
- (ii) that he has rendered seven years' Active Service ;
- (iii) that an interval of not less than eighteen months has elapsed between his last return from privilege leave of over six weeks' duration, and the furlough or privilege leave, if any, with which the furlough is combined. In the case of privilege leave combined with other leave which does not interrupt Continuous Service (Article 22) the period of eighteen months begins to run from the date subsequent to that of the end of the combined leave ;
- (iv) that the whole number of Chaplains absent on Furlough and Special leave does not exceed the limit appointed by the Government of India. Except on medical certificate or on very urgent private affairs, Furlough or Special leave may not be granted to a Church of England Chaplain if twenty per cent. of the whole number of Chaplains belonging to his Diocese (or to a Church of Scotland Chaplain if twenty per cent. of the whole number of Chaplains belonging to his Presidency) are already absent on Furlough or Special leave. The Bishop of Calcutta will report to the Government of Bengal and Bihar and Orissa and the Chief Commissioner of Assam (as the case may be) when the limit is reached, and the Bishops of Madras, Bombay, Lahore, Rangoon, Lucknow, or Nagpur, as the case may be, to their respective Local Government. In the case of the Church of Scotland, the Presidency Senior Chaplain, Bengal, will report to the Local Governments under whom the Chaplains are serving and the Presidency Senior Chaplains of Madras and Bombay to their respective Governments.

NOTE.—[The Government of India and Provincial Governments may relax the following conditions governing the grant of furlough to a Chaplain under clause (a).

of this Article, in cases in which their enforcement would, in their opinion, cause special hardship to the officer concerned individually or be of material disadvantage to the State :—

- (1) three years' continuous service;
- (2) seven years' active service;
- (3) an interval of eighteen months since last return from privilege leave of over six weeks' duration.]

(b) Furlough taken under this Article may, on medical certificate, be extended to not more than three years.

(c) The Furlough of a Chaplain is strictly limited to a period of three years at one time, and cannot be extended even without allowances. But the Secretary of State reserves to himself the power of allowing a Chaplain to remain in Europe beyond three years, should special and exceptional circumstances require it.

584. (a) To a Chaplain who has not rendered three years' Continuous Service, Furlough may be granted on medical certificate as follows :—

(i) If the furlough due exceeds a year—to the extent due, not exceeding two years.

(ii) If the Furlough due does not exceed a year—for not more than one year.

(b) Furlough granted for less than two years under clause (a) (i), or less than one year under clause (a) (ii), may, on medical certificate, be extended to the extent of the Furlough due not exceeding two years, or to one year, respectively.

Furlough Allowances.

585. (a) A Chaplain on Furlough is entitled to allowances as follows :—

	Ordinary furlough.	Other furlough.
	£	£
Presidency Senior Chaplains of the Church of Scotland at Calcutta, Madras or Bombay	600 a year.	480 a year.
Senior Chaplain	500 „	384 „
Junior Chaplain	350 „	300 „

NOTE 1.—[A Junior Chaplain appointed a Senior Chaplain while on furlough is entitled to the higher furlough allowance specified in this Article from the date of such appointment.]

NOTE 2.—[A Chaplain on probation while on furlough is entitled to the same furlough allowance as a Junior Chaplain.]

(b) To a Chaplain proceeding on Furlough to England (not combined with privilege leave), an advance of the first quarter's allowances may be made, which advance is not recoverable in the event of his death.

(c) Ordinary Furlough includes —

- (i) the first two years of each separate period of Furlough under Article 583;

- (ii) so much of Furlough under Article 584 as may be due :
 Provided that the Chaplain has rendered six months' Continuous Active Service.

A Chaplain on Furlough or special leave does not forfeit his part leave allowances by resigning the service without returning to India.

586. A Chaplain returning from Furlough out of India is not granted an advance of allowances for more than thirty-five days beyond the date of embarkation for India.

Special Leave.

587. Special leave on urgent private affairs may be granted at any time for not more than six months :

Provided that a Chaplain who has had special leave must render six years' Active Service before he can again have such leave.

588. For the first period of a Chaplain's Special leave he is entitled to the leave allowance admissible during ordinary Furlough. In subsequent periods he is entitled to no leave allowance.

Subsidiary Leave.

589. The subsidiary leave of a Chaplain and the beginning and ending of his furlough and special leave are regulated by the rules in Chapters XIII and XI as they stood prior to 29th July 1920.

590. A Chaplain on Subsidiary leave is entitled to the same allowances as during the leave to which it is subsidiary.

591. A Chaplain may draw allowances as if he were on Privilege leave, for any part of his Subsidiary leave, for which, if he were not retiring from the service or going on furlough or on special leave, privilege leave would be admissible to him.

Privilege Leave and Extraordinary Leave.

592. Privilege leave may be granted—

- (a) to a Chaplain appointed on or after the 29th July 1906, under the rules in Chapter XII ;
- (b) to a Chaplain appointed before the 29th July 1906, as follows :—
 - (i) After five months' uninterrupted duty,—for not more than one month.
 - (ii) After ten months' uninterrupted duty,—for not more than two months.
 - (iii) After fifteen months' uninterrupted duty,—for not more than three months.

593. Privilege leave to the amount due may be prefixed as such to Furlough, Special leave on urgent Private Affairs, and Extraordinary leave without allowances, under the conditions prescribed in Article 233, as it stood prior to 29th July 1920: Provided that when Privilege leave is so combined, the amount of the Privilege leave due shall be calculated under the rules in Chapter XII.

594. *Cancelled.*

595. A Chaplain may not take Privilege leave under Article 592 (b) in instalments.

596. A Chaplain on Privilege leave is entitled to the same pay and house-rent as if he were on duty; but a Chaplain appointed on or after 17th of June 1914 is not entitled to house-rent during privilege leave taken in combination with furlough or other long leave.

1. An Archdeacon, Presidency Senior Chaplain of the Church of Scotland, or a Chaplain on privilege leave, may draw any duty allowance attached to his office provided he retains a lien on that appointment. Any conveyance allowance or local allowance (such as jail allowance) attached to his office may be drawn only if it is not drawn by his *locum tenens*.

2. An Archdeacon, or Presidency Senior Chaplain of the Church of Scotland, on Privilege leave, may draw his special allowance (*see Article 571*). An Officiating Archdeacon or Presidency Senior Chaplain of the Church of Scotland may not, during Privilege leave, draw his special allowance.

3. The Chaplain's substitute may draw the house-rent, although it is also drawn by the absentee.

597. Extraordinary leave may be granted under Article 332, as it stood prior to 29th July 1920.

Benefices in the United Kingdom.

598. (a) A Chaplain in receipt of leave or furlough allowances who desires to accept a benefice in the United Kingdom, or to take up other employment, must obtain the previous permission of the Secretary of State in Council or of the Government of India according as his leave is taken out of or in India.

(b) Should he, after duly obtaining such permission, accept a benefice, his Indian appointment will be deemed vacant on the expiry of any leave which may have been granted to him, unless before the expiry of his leave he shall have resigned the benefice after having first obtained the consent of the Secretary of State and of the Bishop of the Diocese in which the benefice is situated to his doing so. No extension of leave will under any circumstances be granted to a Chaplain drawing leave or furlough allowances who has accepted a benefice in the United Kingdom, unless he has resigned the same before the expiry of such leave or furlough with the consent before mentioned.

NOTE.—[In applying these orders in the case of a Chaplain of the Church of Scotland, the word "Presbytery" should be substituted for the words "Bishop of the Diocese" in the fifth line.]

Right and Title to Pension.

599. Chaplains on the Indian Ecclesiastical Establishment are entitled to pension according to the following scale :—

Gratuity and Pension on Medical Certificate or on Superannuation

						£
Under 10 years residence for each completed year, a gratuity of						80
After 10 years' residence in India a pension of						160 per annum.
"	11	"	"	"	"	190 "
"	12	"	"	"	"	220 "
"	13	"	"	"	"	250 "
"	14	"	"	"	"	280 "
"	15	"	"	"	"	310 "
"	16	"	"	"	"	340 "
"	17	"	"	"	"	370 "
"	18	"	"	"	"	400 "
"	19	"	"	"	"	430 "

Retiring Pension.

After 20 years' residence and 23 years' service 480 per annum

NOTE 1.—[An invalid pension after the completion of ten, but before the completion of eighteen years of residence is admissible only after a trial of a temperate climate and upon a certificate from the Medical Board attached to the India Office that the officer is permanently unfit to serve in India.]

NOTE 2.—[A Chaplain appointed at an age exceeding 30 years, is entitled to add to the period of his residence and service for retiring or superannuation pension under this Article, but not for any other class of pension, the period by which his age may have exceeded 30 years at the time of appointment, provided that five years shall be the maximum period which can be so added.]

Exception 1.—A Chaplain appointed after the 18th February 1918 may be permitted to resign his appointment on completion of five years' service provided he has given six months' notice of his wish to do so, and he will be granted a bonus of £400 if his service has been satisfactory.

Exception 2.—A Chaplain who, having completed the period of probation, is not confirmed in his appointment, is eligible for a gratuity as is admissible on Medical Certificate, in respect of service passed subsequent to his nomination as a probationer, provided that his non-confirmation is not due to misconduct on his part. A similar gratuity may also be granted to a Chaplain who resigns his appointment during his probation with the full approval of the Bishop of the Diocese, and for reasons considered as satisfactory by the Local Government, provided that the Chaplain has completed at least one year's actual residence in India subsequent to his appointment as a probationer.

599-A. A non-statutory Bishop of Lahore, Rangoon, Lucknow or Nagpur, if not borne upon the Ecclesiastical Establishment previous to appointment shall be entitled—

- (i) to the pension and gratuity provided for Chaplains in Article 599, subject to the conditions that the gratuity of a Bishop invalidated before completing 10 years' service

shall be calculated at the rate of £120 per year of completed residence (as defined in Article 573), and that the maximum and minimum of such gratuities shall be £1,080 and £200 respectively;

- (ii) to reckon as residence and service qualifying for retiring pension (but not for invalid pension) the number of completed years by which his age may at the time of appointment have exceeded 30 years, subject to the proviso that 5 years shall be the maximum period which can be so added.

***599-B.** Chaplains on the Indian Ecclesiastical Establishment shall be entitled to the following pensionary concessions in respect of military service rendered during the Great War (from 4th August 1914 to 31st August 1921) prior to their appointment to the Indian Ecclesiastical Establishment :—

- (1) All service rendered as a chaplain in the British Army during the Great War including sick leave shall count as both service and residence for retiring pension and as residence for invalid pension.
- (2) Service of other kinds in His Majesty's Forces during the Great War, (including sick leave), and service as chaplain in the Dominion Forces, (including sick leave), shall also count as both service and residence for retiring pension and as residence for invalid pension, but only up to a maximum period of two years and provided that no such service rendered before the age of 27 years shall so count.
- (3) War service shall not count for retiring pension in any case in which a chaplain, having been appointed to the Indian Ecclesiastical Establishment at an age exceeding 30 years, is entitled to an equal or greater concession under Article 599 (Note 2). In cases in which the concession admissible under that Article in respect of age on first appointment is less than that granted for war service, the latter concession only shall be granted.
- (4) In any case in which a chaplain is eligible for the concession under Article 576 in respect of probationary service not passed under Government and also for similar concessions in respect of War service under clauses (1) and (2) above, he shall be entitled to the more favourable of the concessions under Article 576 or this Article but not to both.
- (5) No refund of bonus or gratuity received for war service shall be required from a chaplain.

NOTE.—[War service of any kind shall not count as service for invalid gratuity or short service gratuity.]

Compulsory Retirement.

600. The Local Government may require a Chaplain to retire at the age of 55 years, provided that he has rendered sufficient service to qualify for a retiring pension under Article 599. Chaplains who entered the service on or before the 22nd September 1915 may, however, be permitted, before being compelled to retire, to enjoy any furlough that may be due to them at the time when they reach the age above-mentioned.

NOTE.—[The furlough granted under this Article is subject to the limit of two years prescribed in Article 583 (a).]

Leave after Completion of Period of Service.

601. No leave, other than Privilege leave under Article 592 may be granted to a Chaplain who has completed twenty-five years' service. Leave other than Privilege leave granted to a Chaplain before completion of twenty-five years' service ceases to have effect on such completion.

NOTE.—[Articles 600 and 601 do not apply to the Bishops of Lahore, Rangoon, Lucknow and Nagpur (see Article 570).]

601-A. *Cancelled.*

SECTION IV.—MINISTERS OTHER THAN CHAPLAINS.

602. A Clergyman appointed under the orders of the Government to perform the duties of a Chaplain on the regular establishment is entitled to an allowance of Rs. 100 a month.

603. The allowances of a Clergyman (whether of the Additional Clergy Society or any other recognised Society) are regulated by the Local Government within an annual grant for each Government.

Chapter XXVIII.—Military Officers.**SECTION I.—PAY, ALLOWANCE, AND LEAVE RULES.**

604. The acting allowances of Military Officers in Civil employ are

(1) The following is the rule of the Military Department for regulating the treatment of regimental officers selected for temporary employment in certain Civil Departments :—

Clause 129.—With the sanction of the Secretary of State for India, it is notified that a regimental officer selected for temporary employment with a department of the
 * Army or personal staff State in an appointment other than those* whose
 appointments tenable for seconding is regulated by the provisions of paragraph
 fixed periods. 4 of G. G. O. No. 811 of 1877, will on the expiration

of a year of such temporary duty, be seconded, provided that the department employing him certifies that there is a fair likelihood of his being brought on the permanent establishment of that department; otherwise he must immediately be returned to his regiment.

An officer so seconded must either return to his regiment at the end of five years, or be struck off its strength on retention in a department for any period beyond that term.—(*Indian Army Circulars, Military Department, No. 1451, dated 20th October 1880.*)

governed by the rules in Articles 104 to 108, and the leave of Military Officers subject to the Civil Leave Rules is granted under the European Service Leave Rules in Chapter XIII.

605. The Local Government may grant Furlough or leave under Military Rules, or Special leave under Article 316 as it stood prior to 29th July 1920, to a Military Officer subject to the Military Leave Rules.

Exception.—A Local Government cannot grant furlough or leave under the Military Leave Rules to a Military Officer, who has no substantive appointment in the Civil Department but is holding only a temporary or officiating appointment in that Department, unless it is prepared to re-employ him immediately on the expiry of his furlough or leave.

NOTE 1.—[The grant of furlough other than on medical certificate to a Military Officer in Civil employ is subject to the condition that a period of not less than eighteen months has elapsed since his last return from Privilege leave of over six weeks' duration. This condition may, however, be relaxed by the Government of India and Provincial Governments in cases in which its enforcement would, in their opinion, cause special hardship to the officer concerned individually or be of material disadvantage to the State.]

NOTE 2.—[The grant of furlough or leave, other than Privilege leave, out of India to a Military Officer subject to the Military Leave Rules carries with it the grant of subsidiary leave under the provisions of Article 322 as it stood prior to 29th July 1920.]

606. A Local Government may also grant Short Leave (under Civil or Military rules, as the case may be) to a Military Officer subject to the Military Leave Rules.

NOTE 1.—[This Article also applies to officers of the British Service employed in a Civil Department in India.]

NOTE 2.—[Privilege leave in combination with other leave is admissible to a Military Officer in Civil employ under the conditions and limitations in Article 233, as it stood prior to 29th July 1920, but not under the military rules promulgated with India Army Order No. 64, dated 1st February 1904.]

NOTE 3.—[A Military Officer employed in the Army Department Secretariat of the Government of India, or as Private Secretary to a Lieutenant-Governor, or as an A.-D.-C. appointed from Military employment, is not entitled to privilege leave under Chapter XII of these Regulations.]

NOTE 4.—[This Article also applies to Non-Commissioned officers.]

607. No other leave of absence may be granted under the Regulations in Part III to a Military Officer subject to the Military Leave Rules.

1. An officer proceeding on furlough or leave under Military Leave Rules forfeits, *ipso facto*, his lien on any acting appointment. Consequently, a Military Officer in Civil employ, with no substantive appointment in the Civil Department, loses, on proceeding on such furlough or leave, his lien on any temporary or officiating appointment in the Civil Department that he may have held if he has to revert to Military employ in order to obtain the leave.

2. An officer does not lose his lien during subsidiary leave preparatory to furlough taken under Military Leave Rules.

608. No leave can be granted, under the rules in Part III, to a Departmental Officer or Warrant Officer, except under Article 606.

609. The allowances of a Military Officer subject to the Military Leave Rules during subsidiary leave are regulated as if he were subject to the rules relating to Long Leave contained in Part III as it stood prior to 29th July 1920: Provided that—

- (i) if under the action of the Leave rules such an officer has lost his lien on his appointment, he draws allowances under Military Leave Rules during his Subsidiary leave;
- (ii) his allowances on Subsidiary leave must not be less than his allowances during the Furlough to which the leave is subsidiary.

NOTE.—[The subsistence allowance of a Military Officer subject to the Military Leave Rules is that prescribed in Article 63 B (b).]

610. Subsidiary leave preparatory to his retirement from the service may be granted to a Military Officer subject to the Military Leave Rules, provided such leave does not vitiate his claim to retire on the date fixed.

611. Whenever the Furlough of a Military Officer subject to the Military Leave Rules begins before embarkation or ends after disembarkation, the Audit Officer should inform the Government of India in the Army Department and the account officer in charge of the officer's record of pension service of the date on which it begins or ends.

SECTION II.—COMPULSORY RETIREMENT FROM CIVIL EMPLOY.

Ordinary Rules.

612. (a) A Military or Naval Officer in Civil employ, after attaining the age of fifty-five years, shall not, except for special reasons, with the sanction of the Secretary of State, retain his office or be appointed to any new office: Provided that, if such an officer has held his office for less than five years, he may, for special reasons, with the sanction of the Government of India, be permitted to retain his office until he has held it for five years. The term "office" in this Article includes an officiating appointment, and the currency of the period of five years is not interrupted by any subsequent temporary promotion to a higher appointment.

NOTE.—[When the sanction of the Secretary of State is required to the extension of the term of service of a Military Officer in Civil employ after attaining the age of 55 years, it should be obtained previous to the event. Sufficient notice must therefore always be given to the Government of India in such cases to admit of a timely reference being made to the Secretary of State.]

(b) The period of five years begins from the date on which the officer first takes up the office, whether substantively or temporarily: Provided that if temporary, he is confirmed without reverting to his substantive appointment; but the currency of the period is not interrupted by any subsequent temporary promotion to a higher appointment.

Exception.—Medical Officers of the administrative grades—namely, Surgeon-Generals and Colonels—are not compelled to retire from the service, until they attain the age of 60 years.

613. The undermentioned officers cease to be in Civil employ on attaining the age of 55 years :—

- (a) Military Officers in the Survey of India, unless specially permitted by the Secretary of State, in the interests of the public service, to remain in the department for a further definite period;
- (b) Officers of the Indian Medical Service below the rank of Colonel, except Lieutenant-Colonels who are granted extensions of service beyond the age of 55 years until they complete 30 years' service;
- (c) Departmental Officers and Warrant Officers.

614. On succession to the Colonel's allowance, a Military Officer (not holding an appointment the tenure of which is limited to five years) must vacate any Civil appointment which he then holds. But, with the sanction of the Secretary of State in Council, he is eligible for re-appointment or for employment in the same or any other appointment, at the discretion of the Government of India in the Army Department. In such a case, his Civil pay will be reduced by the amount of his Colonel's allowance, which will be included in, and not given in addition to, his consolidated salary.

Public Works Department.

615. The compulsory retirement of military officers in the Public Works Department or in the Engineering Department of State Railways, who are proved to be unfit for further advancement is regulated by Article 353-A. and Note 3 thereunder. But any such officer, who on reaching the age of 50 years has not attained the rank of Superintending Engineer, will be liable to be called upon to vacate his appointment by the Government of India.

616. Military Officers in the Public Works, Railway and Telegraph Departments cease to be in Civil employ on attaining the age of 55 years.

617. A Military Officer serving in the Public Works or Railway Department must vacate absolutely any appointment he may hold in that Department on succession to the Colonel's allowance.

618. *Omitted.*

619. (a) Article 616 applies to officers of Royal Engineers serving in the Public Works and Railway Departments.

(b) Officers of the Royal Engineers, who have attained or hereinafter may attain the rank of General Officers, must vacate their appointments in the Public Works and Railway Departments. But if an officer at the time of so vacating office is a Chief Engineer, 1st class, or holds a post carrying that rank, he may be continued in the position which he had been required to vacate, for the remainder of the term of five years referred to in clause (c), unless in the meantime he must vacate office by some other Regulations. Officers of the Royal Engineers holding rank below that of Chief Engineer, 1st class, vacating office under this rule are not ordinarily eligible for re-appointment to the Public Works or Railway Department, but exceptions to this rule may, at the discretion of the Government of India, be made in the case of officers who, on account of specially accelerated Military promotion for distinguished service in the field, have reached the rank of Major-General without attaining the departmental rank of Chief Engineer, 1st class.

(c) No Chief Engineer of the Corps of Royal Engineers shall, without re-appointment, hold the same post for more than five years.

(d) The foregoing rules are applicable to officers of Royal Engineers who hold the post of Secretary or of Deputy Secretary to the Government of India in the Public Works Department.

NOTE.—[The period of five years referred to in clause (c) begins to run from the date on which the officer first becomes entitled to draw the full pay of the appointment whether holding the appointment substantively or only in an officiating capacity: provided that, if officiating, he is confirmed in the appointment without a break of service.]

Leave after Completion of Period of Civil Employ.

620. (a) No leave but privilege leave may be granted to a Military Officer in Civil employ, whether subject to the Civil or Military Leave Rules or to any Naval Officer who is more than 55 years old. Any leave, other than privilege leave, granted in the Civil Department to a Military or Naval Officer in Civil employ before he is 55 years old ceases to have effect on his fifty-fifth birthday, on which date he reverts to Military employ. The absentee allowances of a Military Officer in Civil employ on leave other than privilege leave becomes a Military charge, and he becomes subject to Military Rules on his fifty-fifth birthday, whether his leave was granted in the Military or the Civil Department.

NOTE.—[In the case of a Military or Naval Officer in Civil employ, who reverts to Military employ under the operation of the rules in this Section, privilege leave

cannot be granted at the end of the service in the Civil Department for any period which will expire within the three months previous to his reversion.]

(b) In applying clause (a) to Medical Officers of the administrative grades, namely, Surgeon-Generals and Colonels, "sixty" or "sixtieth," as the case may be should be substituted for "fifty-five" or fifty-fifth."

Chapter XXIX.—Civil Veterinary Department.

NOTE.—[The rules contained in this Chapter apply only to those officers of the Civil Veterinary Department who were transferred to it from the Army Veterinary Department.]

Acting Allowance and Leave Rules.

621. Officers officiating in the Department draw the pay of their Military rank *plus* half the Civil allowance attached to that rank.

622. The leave and leave allowances of Civil Veterinary Officers are regulated by the rules in Chapter XIII applicable to Military Officers subject to the Civil Leave Rules, with the following special conditions :—

(a) While on furlough during which half average salary is admissible under the rules in Chapter XIII, Civil Veterinary Officers draw half the pay of their military rank *plus* half their civil allowances, subject to the limits laid down in Article 316 for Military Officers subject to the Civil Leave Rules.

(b) Civil Veterinary Officers are treated, in applying the rules mentioned, as if they had, before entering the Civil Department, been subject to the leave rules for the Indian Army (1886) from the date of their arrival in India.

NOTE 1.—[For the purposes of this rule, the date of arrival in India must be held to be the date of arrival on the last tour of service.]

NOTE 2.—[An officer must be substantively appointed to the Department or have officiated continuously in it for three years, before he can become subject to the Civil Leave Rules; but an officer subject to Civil Leave Rules at the time of joining the Department counts all service rendered under those rules as service for Civil furlough.]

NOTE 3.—[Previous service in an appointment which has been absorbed into the Civil Veterinary Department counts, for the purpose of these rules, as service (substantive or officiating, as the case may be) in that Department.]

Pension Rules.

623. The pension rules of the Civil Veterinary Department are as follows :—

(a) No officer becomes qualified for pension under the scale fixed for the Department until he has rendered ten years' service in it.

- (b) Pensions are granted at the rates prescribed for the Army Veterinary Department by the Army Regulations in force for the time being *plus* an addition made on the following scale :—

	£
After 10 years service in the Civil Veterinary Department .	72 a year.
After 15 years service in the Civil Veterinary Department .	96 „
After 20 years service in the Civil Veterinary Department .	120 „

- (c) Leave, apart from privilege leave, counts as service qualifying towards pension to the extent of two months for every year of actual service.

- (d) Retirement is optional after twenty years' service and allowed on medical certificate after fifteen years' service. An officer, who resigns the Civil Veterinary Department before retirement, forfeits all claims to pension under the scale fixed for the Department.

Officers retiring before having completed ten years' service in Civil employ are dealt with under Military rules for pension or gratuity. In the case of an officer invalided before completing ten years' service in the Civil Veterinary Department, the gratuity or pension earned by him under Military rules is increased in the same proportion as the total Civil allowances bear to the total Military allowances earned by him during his period of service in India.

NOTE 1.—[Previous service in an appointment absorbed in the Civil Veterinary Department counts as service rendered in that Department for the purposes of this rule.]

NOTE 2.—[This Article does not apply to officers of and above the rank of Deputy Superintendent who come under Article 349-A.]

624. The rules in Chapter XXVIII relating to the retirement of Military Officers in Civil employ upon attaining the age of 55 years apply to Army Veterinary Officers in the Civil Veterinary Department.

625. *Cancelled.*

Family Pensions.

626. The family of a Civil Veterinary Officer recruited from the Veterinary Staff of the Army is eligible for pension under the provisions of the Royal Warrant, "Pay and Non-effective Pay," applicable to the families of Army Veterinary Officers.

Chapter XXX.—Civil Engineers and Telegraph Officers.

SECTION I.—PAY AND LEAVE ALLOWANCES.

627. The rules in this Chapter apply, to the extent stated in the several Articles, to the following officers :—

- (a) Officers of the Public Works, Railway and Telegraph Departments appointed from the Royal Indian Engineering College at Coopers Hill.
- (b) Stanley Engineers.
- (c) Other Civil Engineers and Telegraph Officers appointed by the Secretary of State.
- (d) Indian College Engineers appointed in India.
- (e) Other Civil Engineers not of purely Asiatic descent appointed in India.

NOTE.—[Section III of the Chapter applies not only to the Civil Engineers and Telegraph Officers enumerated in the Article, but also to the following classes :—

- (a) Superior Civil officers of the Telegraph Department not included in clauses (a) and (c).
- (b) Civil Engineers of the class described in clause (e) who are of pure Asiatic descent.]

Commencement of Service.

628. If a Coopers Hill Engineer lands in India on or before the 1st December of the year in which he passes out of College, his service counts from the preceding 1st October, unless another date should be specified in his letter of appointment.

629. If a Coopers Hill Engineer is, after completing his three years' residence at College required to go through a course of practical engineering in England under a Civil or Mechanical Engineer, his service, unless another date should be specified in his letter of appointment, will reckon from the commencement of the practical course, or from such later date as will be consistent with the regulation that he may count as service towards pension the time spent on such practical course to the extent of one year only.

630. The service of a Coopers Hill Engineer, whose case is not provided for in Article 628 or 629, and who does not land in India by the 1st December, and that of any other Civil Engineer appointed by the Secretary of State counts from the date on which he lands in India.

631. The service of an officer appointed to the Telegraph Department after training or competitive examination, by the Secretary of State, begins as follows :—

- (i) If appointed after competitive examination, from date of covenant.
- (ii) If appointed after training at Coopers Hill, from date of sailing of vessel selected by the Secretary of State, or 1st

October in the year of passing out of the College, which-ever is named in his letter of appointment, provided that he reaches India within two months of that date or other approximate date named in his letter of appointment; otherwise from date of arrival in India.

632. The service of an officer appointed in India begins ordinarily from the date on which he takes charge of the office to which he is first appointed.

Rules regarding Pay and Allowances and Leave.

633. Unless there be something repugnant in the subject or context, the rules in Part II govern the pay and allowances of officers to whom the rules in this Chapter apply, the acting allowance rules applicable to them being those in Chapter VI.

634. The Civil Engineers and Telegraph Officers whose leave is regulated by the European Service Leave Rules (Chapter XIII) are determined by Article 310. The leave of all other officers is regulated by the Indian Service Leave Rules (Chapter XIV).

SECTION II.—PENSION RULES.

635. The rules in this Section apply to all officers of the classes described in clauses (a) to (c) of Article 627, with the exception, save as provided below, of officers of the Indian Railway Service of Engineers and of the Provincial Engineering Service, State Railways, who joined their appointments on or after the 17th September 1925, and of officers included in clause (c) of Article 627 appointed on or after the 6th day of December, 1932.

NOTE 1.—[The rules in this Section apply to Mr. J. H. C. Kelly, of the Indo-European Telegraph Department, and to Mr. T. Ryan, of the Indian Audit and Accounts Service. They apply also to Messrs. R. C. Harvey and Q. F. Rahman, of the Indian Railway Service of Engineers, who joined their appointments after the 17th September 1925, and to officers in pensionable service who were or may be promoted to the Indian Railway Service of Engineers or Provincial Engineering Service, State Railways, on or after the 17th September 1925.]

NOTE 2.—[Except as provided in this Article the rules in Article 643 apply to all classes of officers in pensionable service of the Public Works, Railway and Telegraph Departments.]

NOTE 3.—[Officers of the Indian Telegraph Department who may be transferred to the Indo-European Telegraph Department retain the pensionary privileges of their own branch of the Department.]

636. The pensionary claims of officers of the classes described in Article 627 and the Note under it whose cases have not been provided for in the preceding Article will be governed by the ordinary Rules in Part IV. But in the case of officers of this class who may rise to the rank of Superintending Engineer, or in the Indo-European Telegraph Department, of Director, the Government of India will be prepared to consider favourably their admission to the pension rules, including

those contained in Article 642, applicable to the officers specified in Article 635 :

Provided that Civil Engineers and Telegraph Officers who are members of the Provincial Services of the Public Works, Railway and Telegraph Departments are not eligible for the concession described in this Article.

1. The Public Works Department of the Government of India exercises the powers of the Government of India under this Article in respect of engineer officers of that Department.

2. The concession made under this Article does not affect the operation of the rules which determine the age from which qualifying service begins.

637. The Government of India may, on special grounds, recommend for sanction of the Secretary of State the grant of an invalid pension on the scale below to an officer belonging to the classes referred to as appointed in India in Article 627, provided that he be not of purely Asiatic descent. This Article does not apply to officers of the Provincial Service.

Not less than Rs. 1,000 or more than Rs. 2,000 a year.

If the qualifying service of the officer be not less than—	Forty-fifth part of the officer's Average Emoluments.
10 years	10
11 „	11
12 „	12
13 „	13
14 „	14

638. Unless there is something repugnant in the subject or context, the rules of Part IV apply to officers defined in Article 635, but they are modified in the points noted in the following Article.

639. The rule which excludes service under the age of twenty years does not apply to the officers defined in Article 635 or to Indian College Engineers.

640. Privilege leave, and Subsidiary leave taken under the rules in force prior to 29th July 1920, count as service. Other leave counts to the extent stated in Article 408.

641. The following special scale of pensions is admissible to the officers defined in Article 635, who entered service before the 6th day of December, 1932, and did not elect the pension rules mentioned in Article 349-A, :—

(a) After a service of less than ten years, an invalid gratuity on the scale laid down in Article 474 (a).

(b) After a service of not less than 10 years but less than 25 years, an invalid pension on the scale laid down in Article 474 (b).

(c) After a service of not less than twenty years, a retiring pension not exceeding the following amounts :—

20 to 24	} 30-sixtieths of Average } 4,000 a year or 333 $\frac{1}{3}$ a month.	
25 and above		Emoluments. } 5,000 „ 416 $\frac{2}{3}$ „

NOTE.—[The corresponding rule applicable to officers mentioned in Article 349-A is contained in Article 474-A.]

Special Additional Pensions.

642. One or other but not both of the following special additional pensions, over and above those allowed in Article 641, may be granted by the Local Government to officers of the classes specified in Article 635, limited in the case of the Engineering Establishment to those appointed not later than 1898 and of the Telegraph Department to those appointed not later than 1897, as rewards of approved service in the responsible positions mentioned below :—

(a) Additional pensions of Rs. 2,000 per annum to those who have served three years as—

- (i) Secretary to the Government of India, Public Works Department.
- (ii) Chief Engineers, or officers who may have been graded as such.
- (iii) Chief Engineer, Telegraphs, or in any capacity in the Telegraph Department on the Rs. 2,250 grade.
- (iv) Agents, North Western, Oudh and Rohilkhand and Eastern Bengal State Railways.

NOTE.—[If an officer to whom this clause applies is compelled to retire under the 55 years rule, or on medical certificate, before he has served the full period of three years, he may, with the special sanction of the Local Government, receive a special pension, which bears the same ratio to the full pension of Rs. 2,000, as the number of complete months' service in the grades referred to in this clause bears to the full period of three years.]

(b) Additional pensions of Rs. 1,000 per annum to those who have served three years as—

- (i) Superintending Engineers,
- (ii) Officers of the Indian Telegraph Department in the grades of Rs. 2,000 and Rs. 1,750 or as either of the two senior officers in the grade of Rs. 1,500.
- (iii) Directors of the Persian and Persian Gulf Telegraphs in the Indo-European Telegraph Department.

NOTE 1.—[For the purpose of awarding these special additional pensions, Civil Engineers of the classes enumerated in Article 635, in Class I of the State Railway Revenue Establishments, the Deputy Secretary to the Government of India, Public Works Department and Engineers holding the appointment of Under Secretary, Civil Works Branch, in that Department prior to the 6th February 1914 are treated as of equivalent rank to a Superintending Engineer.]

NOTE 2.—[Mr. T. Ryan of the Indian Finance Department will be eligible to count service for the additional pension of Rs. 1,000 mentioned in this Article, from the date on which he would have reached Class III of Examiners in the late Superior Accounts Branch of the Public Works Department, if he had continued on the old scale of pay.]

NOTE 3.—[The provisions of this Article apply to officers of the Indo-European Telegraph Department appointed up to the 28th July 1896. Those appointed thereafter come wholly under Article 643.]

NOTE 4.—As regards the Officers of the Indian Telegraph Department mentioned above, no officer who has been passed over for promotion from the Rs. 1,750 grade and no officer in that grade at the end of his service who is not declared fitted for promotion will be considered entitled to the special additional pension.]

NOTE 5.—[Clauses (a) (iii) and (b) (ii) of this Article apply to services rendered in the specified appointments from 1st April 1914. As regards services rendered before that date the appointments qualifying for additional pensions are :—

(a) For Rs. 2,000 under clause (a) (iii)—

Director-General and next senior officer in the Telegraph Department.

(b) For Rs. 1,000 under clause (b) (ii)—

Directors of Telegraphs, 1st, 2nd and 3rd classes, senior Director of Telegraphs, 4th class, and the Electrical Engineer-in-Chief.]

NOTE 6.—[It is important to bear in mind that these additional pensions cannot be claimed as a matter of right, but will be granted at the discretion of the Local Government as rewards of "approved service." See special addition to certificate in Form No. 26 (Pension).]

NOTE 7.—[The corresponding rule applicable to officers mentioned in Article 349-A is contained in Article 475-A.]

643. For officers to whom special additional pensions under Article 642 are not admissible, the following special additional pensions may be allowed by the Local Governments :—

Additional pensions of Rs. 1,000 per annum to those who have rendered not less than three years of effective service in the following appointments, provided that in each case during such service the officer has shown such special energy and efficiency as may be considered deserving of the concession. In the case of officers entering Government service after the 31st December 1909, the grant of the additional pension is subject to the further condition that they must, in the event of voluntary retirement, have completed twenty-eight years of qualifying service. Voluntary retirement for the purpose of this rule should be taken as retirement under Articles 465 and 641 (c).

Secretary to the Government of India, Public Works Department.

Chief Engineers in the Public Works and Railway Departments.

*Posts in the Superior Telegraph Engineering Branch of the Indian Posts and Telegraphs Department included in the Schedule of appointments carrying additional pensions below Article 475-A. (including the posts of Director General of Posts and Telegraphs; Senior Deputy Director General, Posts and Telegraphs; Postmaster General and

*This revised entry takes effect from the 11th March 1931.

Deputy Director-General, Telegraphs; if held by officers of the Superior Telegraph Engineering Branch), provided that only service rendered in those posts after the 24th year of service shall count for additional pension.

Superintending Engineers of the Public Works and Railway Departments on pay of not less than Rs. 2,050 a month.

Deputy Secretary to the Government of India, Public Works Department.

Director-in-Chief of the Indo-European Telegraph Department, when the office is held by a member of either the Indian or the Indo-European Telegraph Department.

Deputy Managers, Traffic Superintendents, Locomotive Superintendents, and Carriage and Wagon Superintendents in class I of the State Railway Revenue Establishment on pay exceeding Rs. 1,500 a month.

NOTE 1.—[The provisions of this Article apply to officers employed in the Telegraph Department on the 31st March 1914. Those appointed thereafter to the "Posts and Telegraphs" Department come wholly under Article 475.]

*NOTE 2.—[The corresponding rule applicable to officers mentioned in Article 349-A is contained in Article 475-A.]

644. (a) An officer who holds a qualifying appointment substantively counts all active service, whether in the appointment, or in an appointment of corresponding rank and responsibility in foreign service, or on deputation, on special duty or in a temporary appointment or while officiating in another permanent post. He also counts periods of privilege leave taken by him during such service, but periods of leave other than privilege leave do not count.

(b) All officiating and temporary service in a qualifying appointment falling within any of the classes mentioned in clause (a), including periods of such service passed on privilege leave, counts.

645. *Cancelled.*

SECTION III.—COMPULSORY RETIREMENT.

646. *Cancelled.*

647. *Cancelled.* [With effect from the 3rd June 1930.]

648. *Cancelled.*

649. The compulsory retirement of Civil Engineers of the Public Works Department or the Engineering Department of State Railways,

* Formerly Note 3. Old Note 2, deleted with effect from the 11th March 1931.

who are proved to be unfit for further advancement, is regulated by Article 353-A. But any Civil Engineer of these Departments, who on reaching the age of 50 years has not attained the rank of Superintending Engineer, is liable to be called on to retire by the Government of India.

650. All Civil Engineers in the Public Works and Railway Departments, Civilian Under Secretaries in the Public Works Secretariat of the Government of India or of a Local Government or Administration, and Civilians in the Superior Railway Revenue Establishment, and in the Superior Establishment of the Telegraph Department, are required to retire on attaining the age of 55 years.

NOTE 1.—[The above rule is applicable to all Civilians of the several establishments named whatever the source of their appointment may be.]

NOTE 2.—[The Government of India are empowered in special cases to extend the services of Chief Engineers of the Public Works Department for a period not exceeding three months.]

Chapter XXXI.—Law Officers.

651. The following law officers are entitled to the special privileges detailed in this Chapter :—

An Advocate-General; a Standing Counsel; an Official Trustee; an Official Assignee.

A Receiver of a High Court; an Officer of a High Court who holds an appointment which by law can be held only by a Barrister.

A Secretary or an Assistant Secretary in the Legislative Department to a Local Government.

A Remembrancer; Deputy Remembrancer or an Assistant Remembrancer of Legal Affairs.

A Government Advocate and an Assistant Government Advocate.

A Clerk of the Crown; a Government Solicitor; a Government Pleader and a Government Prosecutor.

652. The leave of absence and acting allowances of a Law Officer who is a member of the Indian Civil Service or of the Provincial Civil Service, or a Statutory Civil Servant, are regulated by the rules applicable to the service to which the officer belongs.

653. A Government Pleader or Government Prosecutor is entitled to such leave of absence and allowances when on leave, and to such acting allowances as the authority who appoints him may think fit to grant, provided that no extra expense be caused to the Government.

Officers on full-time Salaries.

654. The leave of absence and acting allowances of a Law Officer who is not a member of the Indian Civil Service, or a Statutory Civil Servant, or a Government Pleader, or a Government Prosecutor, but

whose pay is fixed, and whose time is retained for the service of Government, are regulated as if he were a member of the Indian Civil Service.

Officers retained on fixed Allowances.

655. The Leave of absence and acting allowances of a Law Officer who is not a member of the Indian Civil Service or of the Provincial Civil Service, or a Statutory Civil Servant, or a Government Pleader, or a Government Prosecutor, whose pay is fixed, but whose whole time is not retained for the public service, are regulated by the following rules :—

Active Service.

1. "Active Service" includes, besides time spent on duty, leave of absence taken under Rule 3, and Subsidiary leave of absence taken under Rule 3.

Application.

2. An application for leave of absence must be submitted through the officer who passes his pay to the authority to whom the officer is directly subordinate.

Leave during Vacation.

3. Leave of absence during the vacation of the High or Chief Court within whose jurisdiction to officer serves may be granted without deduction of pay, provided that no expense be caused by the grant of such leave.

Medical Certificate.

4. Leave may be granted on medical certificate for a period not exceeding one year, and leave so granted may, on medical certificate, be extended to twenty months.

5. Leave of absence on medical certificate may not be granted again until after three years' "Active Service."

Private Affairs.

6. Leave of absence on private affairs for a period not exceeding six months may be granted once only to an officer who has rendered six years' "Active Service."

Furlough.

7. After four years' "Active Service" Furlough without pay, but with retention of appointment, may be granted for a period not exceeding one year.

Subsidiary Leave.

8. In very urgent cases, Subsidiary leave of absence may granted under Chapter XIII, as it stood prior to 29th July 1920, provided that no expense be caused by the grant of such leave.

Commutation of Leave.

9. Excepting Subsidiary leave, no kind of leave may be granted in continuation of any other kind of leave; but any leave granted under these rules may be retrospectively changed for any other kind or amount of leave which might at first have been granted.

Commencement and Termination of Leave.

10. If an officer who has obtained leave of absence makes over charge of his office before noon, his leave begins on, and includes, the day on which he makes over charge; otherwise, it begins on, and includes, the following day.

11. If an officer resumes charge of his office after noon, his leave of absence ends on, and includes, the day on which he resumes charge; otherwise, it ends on, and includes, the day before he resumes charge.

Leave Allowances.

12. An officer while on leave under Rule 4, 5 or 6 is entitled to half-pay: Provided that his maximum leave allowance shall be, if paid in India, Rs. 1,111 $\frac{1}{2}$ a month, and if paid at the Home treasury £250 a quarter.

NOTE.—[An officer compelled to take leave out of India under Rule 4, 5 or 6 owing to ill-health is entitled to the benefits of Article 342 as it stood prior to 29th July 1920. In applying that Article the word "pay" should be substituted for the word "salary."]

Acting Officers.

13. (a) An officer officiating for an officer on leave under these rules is entitled to the pay of the appointment, less the fraction of it drawn by the absentee, in addition to the same fraction of the pay of his own substantive office, if any. In calculating this fraction the maximum leave allowance of £250 a quarter, payable from the Home treasury, is held to be equal to Rs. 2,500.

Illustrations.—A, the Remembrancer of Legal Affairs in Bombay (pay Rs. 1,000 a month), officiates for B, the Advocate-General (pay Rs. 2,000 a month), who is on leave with an absentee allowance of £1,000 a year=Rs. 833 $\frac{1}{3}$ a month, or 5/12ths of the pay of the Advocate-General. A is entitled to 7/12ths of the pay of the Advocate-General=Rs. 1,166 $\frac{2}{3}$, and 5/12ths of that of Legal Remembrancer=Rs. 416 $\frac{2}{3}$, i.e., to a total of Rs. 1,583 $\frac{1}{3}$ a month.

(b) Provided that—

(i) The minimum salary of a Standing Counsel at Calcutta is Rs. 1,000 a month, and that of Assistant Legal Remembrancer, Punjab, Rs. 450 a month.

(ii) The minimum salary of a Government Advocate at Lahore, Allahabad, Rangoon, or Moulmein is three-quarters of the pay of the appointment.

Deputation Vacancy.

14. An officer officiating for an officer deputed to act in another appointment or on special duty is entitled to two-thirds of the pay of the appointment in which he officiates, plus one-third of the pay of his own substantive appointment if any.

NOTE.—[The Government of India may, in special cases, increase the allowance under this rule to an amount not exceeding the full pay of the appointment.]

Combination of Offices.

15. If an officer holds more than one appointment, his salary is regulated by Chapter VIII.

Officers paid by Fees.

656. Leave may be granted under the rules in the preceding Article to a Law Officer who is paid by fees, whether his whole time be retained for the service of Government or not, on condition that he makes such arrangements for the performance of his duties as are satisfactory to the authority by which he is appointed, and on condition that, in case of his obtaining leave on private affairs under Rule 6, the officiating officer shall receive the whole of the fees attached to the office.

Other Officers.

657. An officiating Law Officer who is not subject to the foregoing rules, draws, as acting allowance, the difference between the allowance

attached to the appointment and the portion of it drawn by the absentee for whom he officiates : Provided the maximum salary (see Article 96) is not exceeded.

Extraordinary Leave.

658. Extraordinary leave may be granted to the officers in this Chapter under Article 332 as it stood prior to 29th July 1920.

Chapter XXXII.—State Railway Establishments.

SECTION I.—REVENUE ESTABLISHMENTS.

Classification of Service.

659. In the State Railway Revenue Establishment the different classes of service are as follows :—

(a) *Permanent pensionable*,—that is, service in all permanent appointments made before 1st September 1881, and service of officers, such as Civil Engineers and members of the Engineer and Upper Subordinate Establishment, who may be transferred to the Revenue Establishment, as Agents, etc., even after 31st August 1881.

The service of an officer in the Traffic Department (appointed before 1st September 1881), before he passed the test examination, does not qualify.

NOTE 1.—[If, after 1st September 1881, it is considered advisable to employ on a State Railway any permanent servant of the State, whose transfer is not covered by this clause, the case must be specially referred to the Government of India. This Note applies to all cases of permanent transfer of an officer in pensionable service to an appointment on a State Railway. Cases of purely temporary deputation may be dealt with under Article 376 of these Regulations if the conditions of that Article are fulfilled.]

NOTE 2.—[A pensionable servant transferred in the interests of the public service and by competent authority, from one Railway to another, in the same capacity, or on analogous work in the same Department of the Railway Establishments, and on a salary which does not exceed by more than 25 per cent. his pay in the pensionable appointment, retains his pensionable status.]

(b) *Permanent non-pensionable*,—that is, service in all permanent appointments made after 31st August 1881, except as allowed for in clause (a).

(c) *Temporary*,—that is, service in appointments made from time to time for periods not exceeding twelve months according to the requirements of traffic.

(d) *Special service*,—that is, service of engine-drivers, firemen and mechanics, etc., under covenant with the Secretary of State, or who, on the expiry of the term of their covenant, have renewed their engagement under a covenant with the Government of India.

660. A subordinate officer transferred before 1st September 1881 from the temporary to the Permanent Revenue Establishment of a

State Railway may, with the sanction of the Local Government, count towards pension the whole or a part of so much of his temporary service as immediately preceded his qualifying service without interruption.

Ordinary Leave Rules.

661. (a) Leave on medical certificate with half-pay to the extent of sixty days in any calendar year may, in addition to any leave admissible under the Indian Service Leave Rules in Part III, be granted, at the discretion of the Agent, to drivers and other subordinate employees of the State Railway Revenue Establishment, whose service is classed as *Permanent* "pensionable" or "non-pensionable" under clauses (a) and (b) of Article 659, and who are not employed exclusively on in-door work, provided the illness has not been caused by the man's misconduct.

(b) It may be granted without prejudice to Privilege leave and in continuation of Privilege leave, or *vice versa*.

(c) The leave thus granted is included in the leave to which the limit of five years prescribed in Article 322 applies.

662. Leave to members of superior and subordinate State Railway Revenue Establishments classed as "pensionable" or "non-pensionable" under clauses (a) and (b), Article 659, other than those referred to in the preceding Article, is governed by the ordinary leave rules for European or Indian Services (as the case may be) laid down in Part III.

Special Service Leave Rules.

663. Members of subordinate State Railway Revenue Establishments whose service is classed as "special" under clause (d) in Article 659, may be allowed leave as follows, at the discretion of the Agent:—

(a) Privilege leave on full pay to the extent of one month in twelve. Any subordinate may, however, be permitted to exercise the option of allowing his privilege leave to accumulate up to three months under the usual conditions.

1. Privilege leave may, under the provisions of Article 232, be combined with furlough under Article 664, subject to the condition that the period of furlough admissible under the latter article is reduced by the amount of privilege leave with which it is combined.

2. The period by which the furlough is thus reduced should be considered as foregone by the officer in consideration of the concession of prefixing privilege leave to his furlough and should not be included in the balance to his credit for the purpose of Article 664(f).

(b) Leave on medical certificate on half-pay to the extent of sixty days in one calendar year, provided that the illness has not been caused by misconduct. This leave may be granted without prejudice to privilege leave, and in continuation of privilege leave, or *vice versa*.

(c) In the case of deserving men, the Agent may extend the leave on medical certificate admissible under clause (b) to a maximum of six months in one calendar year.

NOTE.—[The Government of India may delegate the powers of an Agent of State Railways under this Article to Heads of Departments of State Railways.]

664. The Agent may grant furlough according to the following scale to any of the officers mentioned in the preceding Article who can be conveniently spared :—

(a) A first furlough for a period not exceeding—

12 months, after 7 years' service,

14 ditto 8 ditto,

16 ditto 9 ditto,

18 ditto 10 or more years' service.

(b) A second or subsequent furlough for a period not exceeding—

6 months, after 3 years' further service,

8 ditto

4 ditto,

10 ditto

5 ditto,

12 ditto

6 ditto,

14 ditto

7 ditto,

16 ditto

8 ditto,

18 ditto

9 ditto,

} dating from the expiration of
the previous furlough
or sick leave.

(c) The period of service upon which furlough may be granted is to be exclusive of time spent on leave of absence of any kind whatever except privilege leave. No second or subsequent furlough shall be granted till after a further actual service of three years, commencing from the date of the expiration of the previous furlough; and no single furlough shall be granted for a longer period than eighteen months.

(d) An officer on furlough is entitled to half the substantive pay of his appointment, excluding all allowances except personal allowances.

NOTE.—[An officer compelled to take furlough, or leave on medical certificate, out of India owing to ill-health is entitled to the benefits of Article 342 as it stood prior to 29th July 1920. In applying that Article the term "pay" should be substituted for "salary."]

(e) The service towards first or subsequent furlough is not cancelled by the grant of sick leave; but an interval of three years of service must elapse between the return of an officer from sick leave lasting more than sixty days and the grant of any furlough that may be due to him.

NOTE.—[The Government of India may relax the condition requiring an interval of 3 years to elapse since last return from sick leave, before furlough can be granted under this Article, in cases in which its enforcement would, in their opinion, cause special hardship to the officer concerned individually or be of material disadvantage to the State.]

(f) When an officer has earned either first or subsequent furlough, if from any cause it may be found inconvenient to grant him the whole of the furlough earned, an instalment may be granted, leaving the balance at his credit to be taken when convenient, subject, however, to the maximum limit of eighteen months prescribed above.

Leave in consequence of Accidents.

665. To all non-pensionable servants other than gazetted officers, leave in India on full pay may be granted by Agents of State Railways in addition to any leave otherwise admissible for the period during which they may be absent from duty for medical treatment, in consequence of accidents met with in the execution of duty, subject to a limit of six months and to record in the minutes of official meetings. The period of absence is treated entirely as duty and does not interrupt privilege leave or deprive the absentee of any allowance of the character of salary or local allowance.

NOTE.—[Hheads of Departments of State Railways may grant leave under this Article to non-pensionable subordinates on salaries not exceeding Rs. 250 a month.]

Labourers.

666. Labourers in State Railway workshops employed upon daily wages when temporarily absent from work in consequence of injuries sustained while on duty in workshops, etc., may, under authority of the Agent of the State Railway concerned, be granted full pay up to a maximum of 6 months. Heads of Departments of State Railways may, in similar circumstances, sanction the grant of allowances not exceeding—

- (i) fifty rupees (ii) one month's pay, (iii) in cases where the absence is less than a month, the pay which the absentee would have earned during the period of leave if he were present on duty.

Recovery of Advances.

667. (a) Advances whether made in India (see Articles 64 to 66) or by the Home Government should be recovered by monthly instalments of one-third salary except in the case of Covenanted Mechanics, Boiler Makers, etc., from whom the recoveries shall be in monthly instalments of one-sixth salary.

(b) In the case of Covenanted Engine-Drivers the recovery should be made in such a manner as will ensure their receiving in any month not less than Rs. 25, exclusive of overtime or other allowances.

SECTION II.—LOWER SUBORDINATES AND OFFICE AND PETTY ESTABLISHMENTS ON LINES UNDER CONSTRUCTION OR SURVEY.

668. Subject to the exception noted below, the service of all Lower Subordinates, Sub-Storekeepers, and members of the Office and Petty

Establishment, appointed to or engaged for lines under construction or survey on or after the 21st July 1880, is non-pensionable.

Exception.—The pensionable service of officers who, before the 21st July 1880, were transferred from permanently sanctioned posts, not attached to railways under construction, is in no way prejudiced by their fresh employment, and they will continue to enjoy their right to pension even if transferred from the line on which they were on that date engaged to another line under construction.

SECTION III.—OTHER OFFICES.

669. The services of all clerks appointed after the 31st January 1889 to all Consulting Engineers' and Fort Storekeepers' Offices, and of all Accountants and clerks appointed after the 16th July 1889 to any of the Offices of Government Examiners of Railway Accounts, do not qualify for pension unless transferred from a permanent pensionable post.

Chapter XXXIII.—The Bengal Covenanted Pilot Service.

670 to 692-A. Cancelled.

Chapter XXXIV.—Andaman and Nicobar Military Police.

693. (1) The rules in this Chapter apply to the subordinate officers, non-commissioned officers and men of the Military Police in the Andamans and Nicobars, including Havildars, Naiks and Sepoys employed in the civil police as Head Constables and Constables.

(2) The term "subordinate officer" includes Subadar-Majors, Subadars and Jamadars.

Leave Rules.

693A. (a) Privilege leave on full pay may be granted to all ranks as under—

(i) Two months after thirty months' consecutive service.

(ii) Three months after thirty-six months' consecutive service.

(b) Such leave, if taken to India, may be overstayed without forfeiture of pay by such period not exceeding eight days as may intervene between the end of the leave and the date preceding that on which the next mail steamer leaves Calcutta for Port Blair.

694. Leave on private affairs on half pay may be granted to all ranks for a period not exceeding six months after five years' continuous service.

695. Leave on medical certificate under Article 336, as it stood prior to 29th July 1920, may be granted to all ranks. During such leave absentee allowances are paid at the following rates :—

Sepoys—Subsistence allowance of Rs. 6 a month.

Naiks	„	„	„	8	„
Havildars	„	„	„	10	„

Subordinate officers—Half pay for fifteen months and subsistence allowance of Rs. 15 a month after that term.

696. Extraordinary leave under Article 339, as it stood prior to 29th July 1920, may be granted to all ranks.

697. The total number of men absent from duty at one time on leave other than privilege leave shall not exceed ten per cent. of the Force.

698. Absence from duty while ill in hospital in the Andamans or Nicobars does not interfere with the grant of any leave admissible under this Chapter and does not count as such leave. Absentee allowances are granted as follows :—

- | | |
|---------------------------------|--|
| (a) Subordinate officers | The allowances admissible under Article 695. |
| (b) Havildars, Naiks and Sepoys | Full Pay. |

699. (a) Policemen proceeding to India on leave of any description should ordinarily be employed on the voyage in guarding transferred convicts.

(b) On the expiration of their leave, they will report themselves to the Commissioner of Police, Calcutta, with a view to their employment as convict guards on the return journey.

700. Deck passages without diet by sea or river steamer and third class accommodation by rail are granted—

- (a) To the families of subordinate officers for the initial journey to Port Blair on payment of one-third of the passage money and railway fare.
- (b) To the families of non-commissioned officers and men who have received permission from the Commandant of the Force to bring their families to the Andamans for the initial journey free of charge.

NOTE.—[The Commandant's power to give such permission is limited to 10 per cent. of the total strength of non-commissioned officers and men.]

- (c) To all ranks proceeding on or returning from leave on private affairs or medical certificate free of charge.
- (d) To the families of all ranks accompanying the head of the family to and from his home when proceeding on and

returning from leave of any kind free of charge for the deck passage and on payment of a single fare for the railway journey.

NOTE.—[“Family” includes children, one wife and one relative.]

Pension Rules.

701. Members of the Force are entitled to pensions under the Regulations in Part IV, for the calculation of ordinary pensions for Superior service. Native officers, Non-Commissioned officers and Sepoys of the Indian Army recruited direct from the Army and whose services are obtained on special application, count their previous Army service as qualifying service under the rules in Part IV, provided they complete 10 years’ qualifying service in the Force. Those who retire before completing 10 years’ such service are granted the military pension of their rank—their service in the police being included as qualifying under Military rules.

702. Time spent in hospital by Sepoys, Naiks and Havildars of the Force, during which they receive full pay under Article 698, does not qualify for pension.

Travelling Allowance Rules.

702A. The rules in Part XI of these Regulations apply with the exception that Jamadars and Subadars are entitled to second class accommodation.

Chapter XXXV.—Assam and Dacca Military Police.

703. Pensions are granted to Policemen and, in the exceptional cases specified in the rules, to their heirs in accordance with Parts IV and VI.

704. Furlough on private affairs on half Assam or Dacca pay for not more than six months, from date of departure from headquarters to date of return thereto, may be granted by Battalion Commandants on condition that the number absent on furlough and sick leave at any one time does not exceed 5 per cent. of the strength of the Battalion from 15th October to 15th April, and 10 per cent. from 16th April to 14th October.

705. Leave on medical certificate for not more than six months, from date of departure from headquarters to date of return thereto, may be granted by Battalion Commandants to all ranks. Extension of such leave on medical certificate beyond this period may be sanctioned by the Inspector-General of Police, or, in the case of the Dacca Military Police, by the Commandant; but the amount of leave which may be granted with pay at one time is limited to two years.

NOTE.—[A man taking leave on medical certificate forfeits his turn for furlough and his name is placed at the bottom of the furlough roster.]

706. Allowances on leave on medical certificate are full pay for as long a time as the man is entitled to privilege leave, and half pay for the remainder of the first six months; and, in case of extension being granted, half pay. The leave allowance of a man on leave on medical certificate taken in extension of furlough is half Assam or Dacca pay.

707. Sick leave is granted under the following rules:—

(a) *Assam Military Police.*—Sick leave on full pay for a period not exceeding two months may be granted by Battalion Commandants to all ranks while in hospital and on half pay for any period in excess of two months. Sick leave on full pay may, however, be granted to all ranks while in hospital on account of wounds received in action until they are discharged from hospital. Leave granted under this rule does not interfere with the grant of ordinary leave on medical certificate.

(b) *Dacca Military Police.*—Sick leave on full pay for a period not exceeding one month may be granted by Battalion Commandants to all ranks while in hospital. In exceptional cases, *e.g.*, in consequence of wounds received in action or for other special reasons, this privilege may be extended to two months under the special sanction of the Local Government. After this period, such leave may be granted on half pay. Leave granted under this rule shall not interfere with the grant of ordinary leave on medical certificate.

708. The Battalion Commandants may grant privilege leave on urgent private affairs under the rule in Chapter XII to men whose conduct has been good.

709. The Inspector-General of Police may frame subsidiary rules not inconsistent with these rules for the guidance of Battalion Commandants in granting furlough and leave.

710. Native Commissioned officers are entitled to travelling allowance as second class officers for journeys by rail and by river steamer.

710A. Officers and men proceeding to or returning from outpost duty are allowed free passages by rail, river and road for their families. In the case of journeys by road, where carts cannot be used, the cost of one cooly for wife and one cooly for children may be allowed—

711. Free passages by steamer and rail are allowed—

(a) to and from their homes, to men proceeding on or returning from furlough on private affairs or leave on medical certificate, but not to men proceeding on or returning from privilege leave;

(b) to their homes, to men who are not natives of the Province when retiring on Invalid pensions, but not to men granted Retiring or Superannuation pensions.

712. Any member of the force belonging to races foreign to Assam or Dacca who may be recruited outside the Province, may, with the written permission of the Battalion Commandant, and if quarters are available in the Police lines, bring his children, one wife and one relative to Assam or Dacca.

For the conveyance of families, third class passages will be granted by railway, and deck passages by steamer, in the case of all Native officers, on payment of one-third of the passage money and fare; in the case of 20 per cent. of the Non-Commissioned officers of each Battalion, free of charge; in the case of 5 per cent. of the privates of each Battalion, free of charge. The percentage must be reckoned on the number of foreigners only.

Return passages to their homes will be granted to the families of such officers and men dying in Assam or Dacca.

Chapter XXXVI.—Calcutta and Suburban Police Forces.

713. The leave of absence and acting allowances of officers and men of the Calcutta and Suburban Police Forces, whose pay does not exceed Rs. 20 a month, are regulated by the following rules :—

(1) One month's leave may be granted at any time, but without pay; such leave is only to be granted in special cases, and when good ground exists for granting the indulgence.

(2) One month's leave may be granted after eleven months' actual service without deduction of pay.

(3) Special leave for four months may be granted on half pay to any officer or constable who has served for four years without taking leave of any description whatsoever.

(4) Officers and constables whose homes are more than 400 miles from Calcutta may in special cases have the leave, granted under rule (3), extended to five months, and those whose homes are more than 800 miles from Calcutta to six months.

(5) Sick leave may, at any time, be granted for one month on full pay.

(6) Sick leave on production of a certificate signed by the Police Surgeon declaring such leave to be absolutely necessary, may be granted for four months on half pay. [The longer periods granted to men, whose homes are more than 400 and 800 miles from Calcutta, in Rule (4), may be also granted to applicants under this rule.]

(7) Leave granted under Rules (1), (2), (3) and (4), cannot be claimed as a right, but may be granted at the discretion of the Commissioner of Police, provided that no inconvenience to the public service will be occasioned, and that the funds admit.

(8) The place of any officer or constable absent from duty on leave, under Rule (3), (4), or (6), may be filled up by the temporary promotion of a substitute from the next lower grade, whose place again may, in like manner, be filled up by promotion from the lower grades.

(9) Any officer or constable acting for another absent from duty under Rule (3), (4) or (6), shall draw half his own salary *plus* half that of the superior officer for whom he is acting, and any saving accruing from such arrangement shall be carried to the credit of the Leave Fund.

(10) The half salary of any officer or constable on leave, whether special or on medical certificate, will be payable only on return to duty. Should the absentee not rejoin upon the expiration of the leave granted to him, he will be liable to forfeit all claim to the half pay he would otherwise receive upon return. All sums thus forfeited are to be carried to credit of the Leave Fund.

(11) The number of men allowed to be absent on Special leave is not to exceed 10 per cent. of the effective numerical strength.

Chapter XXXVII.—Burma Military Police.

714. The rules in this Chapter apply to—

(a) All members of the Burma Military Police who originally enlisted on an engagement under the direct orders of the Government of India, and on a renewal of their engagement, to all members who joined the Force from the Army prior to 1st January 1889.

(b) All members of the Burma Military Police enlisted by the Government of Burma.

(c) Soldiers who join the Force from the Native Army after the 31st December 1888, or who, having joined before that date, are now serving in Lower Burma, not having been transferred from Upper Burma in the interests of the public service.

(d) Karen recruits.

(e) All members not being soldiers of the Native Army on renewal of their engagements who were enlisted under the direct orders of the Government of India.

(f) Kachins enlisted in the Military police.

(g) Salutris and Armourers.

Leave and Leave Allowances.

715. Furlough on private affairs on half Burma pay [except for members mentioned in Article 714 (a) who will draw full Burma pay] for not more than six months may be granted by Battalion Commandants on condition that the number absent on furlough and sick

leave at any one time does not, except under the special orders of the Government of India, exceed $7\frac{1}{2}$ per cent. of the strength of the Battalion.

716. Leave on medical certificate for not more than six months in the first instance may be granted by Battalion Commandants to all ranks. Extension of such leave on medical certificate beyond this period may also be sanctioned by them; but the amount of leave which may be granted with pay at one time is limited to two years.

NOTE.—[A man taking leave on medical certificate forfeits his turn for furlough and his name is placed at the bottom of the furlough roster.]

717. (a) Allowances on leave on medical certificate are :—

(i) In the case of the members mentioned in clause (a) of Article 714, full Burma pay for the first six months and afterwards at the rate of one quarter the Burma pay: Provided that the Local Government may in any case by special order direct that a man on leave on medical certificate after the first six months shall draw any allowance not exceeding one-half the Burma pay.

(ii) In the case of the members mentioned in clauses (b) to (g) of Article 714, half full Burma pay for the first six months and, in case of extension being granted, not more than one-fourth full Burma pay without the sanction of the Local Government.

(b) The leave allowance of a man on leave on medical certificate taken in extension of furlough is one-fourth full Burma pay.

NOTE 1.—[An advance of three months' pay may be made to the men mentioned in Article 714 (a), going on sick leave. A man who obtains an advance of three months' pay is not eligible for another remittance for four months.]

NOTE 2.—[The language allowances, or extra pay, of Military Policemen for passing examinations in Yunnanese, Burmese, Shan, Chin and Kachin are treated as salary for the purpose of calculating leave allowances, but are not taken into account in calculating pension.]

718. Sick leave on full pay for a period not exceeding two months may be granted by Battalion Commandants to all ranks while in hospital in Burma and on half pay for any period in excess of two months. Sick leave on full pay may, however, be granted to all ranks while in hospital in Burma on account of wounds received in action until they are discharged from hospital. Leave granted under this rule does not interfere with the grant of leave to India on medical certificate.

719. Battalion Commandants may grant privilege leave on urgent private affairs under the rules in Chapter XII to men whose conduct has been good.

720. The Inspector-General of Police may frame subsidiary rules not inconsistent with these rules for the guidance of Commandants in granting furlough and leave.

Travelling Allowance.

721. Subadars and Jamadars of the Military Police both in Upper and Lower Burma are entitled to second class accommodation on all journeys by rail for which they are entitled to travelling allowance.

722. Free passages by sea, river and rail are allowed to and from their homes to men [except those mentioned in Article 714 (f) unless they belong to the Myitkyina Battalion having been recruited from the Bhamo district and travel *via* Katha] proceeding on or returning from furlough on private affairs or leave on medical certificate, but not to men proceeding on or returning from privilege leave unless the privilege leave is commuted into furlough or leave on medical certificate, when the grant of free passages or the cost thereof will be admissible.

NOTE 1.—[Charges for conveyance by road of Military Policemen proceeding on sick leave may be paid in cases where the Civil Surgeon certifies that they are unable to proceed on foot.]

NOTE 2.—[A free passage is allowed to an attendant who may be deputed by the Battalion Commandant to accompany a sick Native officer or Non-Commissioned officer or sepoy of the Burma Military Police proceeding to India on furlough and sick leave or on retiring from the service on pension or gratuity in cases in which the Civil Surgeon certifies that the sick officer or sepoy is too ill to travel alone. It should, however, be understood that a special attendant should only be sent when it is thought absolutely necessary to do so, and that ordinarily the invalid should be put in charge of a comrade proceeding on leave at the same time.]

723. Free passages from the place of enlistment may be granted to Karen recruits who have to travel by rail or steamer to the headquarters of their Battalion. The passage of recruits for the Upper Burma Military Police enlisted in India as well as of gunkahars, cooks, bhisties, and transport drivers is paid by Government from the place of enrolment to the headquarters of the Battalion.

The passages of followers enlisted in Burma for the Upper Burma Military Police may be paid with the sanction of the Inspector-General of Police, from the place of enrolment to the place where the follower is to be employed in cases where the distance between the two places exceeds 50 miles.

Each recruit for the Arakan Hill Tracts, Lower Burma Military Police, is entitled to the actual cost of the journey from his home to Calcutta; and also free passage to Akyab.

The passage by rail and steamer of recruits enlisted in India for the Lower Burma Military Police is also paid by Government from the place of enrolment to the headquarters of the Battalion.

NOTE.—[Free passages to their homes to members of the Burma Military Police recruited in India and discharged on the termination of their first engagement are admissible under Article 1132; also to those who re-enlist without a break in their service for a further term of service on the expiration of the period of their first engagement and who are discharged on the termination of their further engagement; also to those who re-enlist for no special term and are subject only to the usual

two months' notice. Karen members of the Burma Military Police who are discharged on the termination of their engagements may be given travelling allowance under Article 1132, Civil Service Regulations.]

724. Any member of the Force [except those mentioned in clauses (d), (f) and (g) of Article 714] may, with the written permission of the Commandant and if quarters are available in the Police lines, bring his children, one wife, and one relative to Burma.

For the conveyance of families, third-class passages will be given by railway, and deck passages by steamer, in the case of all Native Officers, on payment of one-third of the passage money and fare; in the case of 20 per cent. of the Non-Commissioned Officers of each Battalion, free of charge; in the case of 5 per cent. of the privates of each Battalion, free of charge. Return passages to their homes will be granted to the families of officers and men dying in Burma.

725. No travelling allowance may be given to families of men of the Karen (now Lower Chindwin) Battalion who have been ordered on service. Indigenous Battalions are raised to avoid such expenses.

Pension.

726. The following rules regulate the pensions of members of the Burma Military Police mentioned in Article 714 (a):—

(a) Soldiers joining the Police may elect to remain under military rules for pension. In that case no deductions from pay will be made on account of pension, and the pensions are regulated as if the soldiers held Army rank as shown below:—

1. Native Officers in receipt of Rs. 100 to Rs. 150	as Subadars.
2. " " " Rs. 50 to Rs. 65	as Jamadars.
3. Native Non-Commissioned Officers	as Havildars.
4. Privates	

(b) If on joining the Police they do not elect to remain under Military Pension Rules, a deduction from pay of one-half anna in the rupee shall be made: the previous service in the Army qualifies for pension under the Civil Service Regulations, and the pensions admissible are determined by rules of those Regulations applicable to policemen. If the soldier returns to the Army from the Police, the amounts deducted are refunded and the Police service counts towards Army pension.

(c) In the case of policemen who elect for Military Rules, the claims of heirs to pension are regulated by Military Rules, and in the case of those who elect the rules of the Civil Service Regulations, heirs can claim pension only in the special cases provided for in Chapter XXXVIII.

(d) Men who joined the Force, otherwise than from the Army, are only entitled to such pensions and on such conditions as the Civil Pension Rules for Policemen permit.

(e) Service in Burma is held to be "Foreign Service" within the meaning of Article 1062 of the Army Regulations, India, Volume I, in case of all men of the Native Army not being Natives of Burma, and is, therefore, so considered in the case of all men of the Upper Burma Military Police subject to the Military Pension Rules of the Native Army.

727. (a) In the case of members of the Burma Military Police mentioned in clauses (b) to (g) of Article 714, the rules in the Civil Service Regulations apply as regards pensions, except Salutris and Armourers who joined the Upper Burma Military Police from the Army before the 1st January 1889 who are subject as regards pensions to Article 726, clauses (a) to (c).

(b) Pension under the Civil Rules for the period of their past Military as well as their Police service is granted to the Native Officers and Non-Commissioned Officers of the Burma Military Police referred to in clause (a) who have been or may be recruited direct from the Army after 1888, when volunteering was closed, on the condition that they complete 10 years' qualifying service in the Burma Military Police in addition to their service in the Army; but those who retire with less than 10 years' qualifying service in the Burma Military Police will be granted pension on the military scale according to their rank for the whole period of their service, that in the Police being included. This concession applies only to those men whose services were obtained from the Army on special application.

PART VI.—WOUND AND OTHER EXTRAORDINARY PENSIONS.

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PART VI.—WOUND AND OTHER EXTRAORDINARY PENSIONS.

Chapter XXXVIII.—Wound and other Extraordinary Pensions.

SECTION I.—GENERAL RULES.

728. (a) Subject to the provisions of Article 729, the rules in this Chapter apply to all persons in civil employ (and to all persons employed in a civil capacity under the Army Department) whether their employment is permanent, temporary or casual and whether remunerated by fixed pay or by piece-work rates: Provided that, in the case of a person to whom the Workmen's Compensation Act, 1923, applies,—

- (1) an award shall be paid under the provisions of this Chapter only if the authority competent to sanction it considers that the compensation payable under the Act is, in the particular case, inadequate; and
- (2) the amount of an award paid to any such person shall not exceed the difference between the amount otherwise admissible under these rules and the amount of compensation payable under the Act.

(b) In the case of persons remunerated by piece-work rates pay for the purposes of this Chapter means the average earnings of the last six months of service immediately preceding death or the receipt of injury.

729. The rules in this chapter do not apply to—

- (a) persons paid from the Defence Services Estimates (except Class II followers and religious teachers of Indian Units) who in the matter of service pensions or gratuities are governed by the rules in pension Regulations for the Army in India.
- (b) Non-combatant departmental and regimental civilian employees holding regular appointments and remunerated by pay or salary from the Defence Services Estimates (including those employed in the Military Accounts Department), in receipt of pay less than Rs. 200 per mensem, if they were recruited before the 18th October 1932.

The claims of these men and of their dependants to wound and other extraordinary pensions and gratuities should be dealt with under Pension Regulations for the Army in India.

730. Government do not bind themselves to grant a pension or gratuity in every case, or, if they grant a pension, to grant it for life.

731. Every grant of pension under this Chapter is subject to the provisions of Article 351.

732. In cases where considerable delay has occurred in applying for an extraordinary pension, the grant, if any, will take effect only from the date of the report by the medical board, or, in the case of a family pension, from such date as the sanctioning authority may decide. Otherwise the grant may be made with effect from the date of wound, injury, or death; except that, when it is made under Army Regulations, it has effect from the date therein prescribed.

733. In cases falling clearly and strictly within the letter of the rules in this Chapter, the Local Government may exercise, in relation to Government servants under its administrative control, all powers conferred by the rules upon the Government of India other than the powers conferred by Articles 739, 741-A, 743, 746-D, 746-E and by the Notes under Articles 740 and 746-B.

734. All awards involving expenditure chargeable to British revenues should be reported without delay to the Secretary of State.

735. When a grant under these rules is made in India to an European officer, the authority sanctioning the grant shall inform the Secretary of State in order that a grant of a like nature may not be made by any authority in the United Kingdom in respect of the same casualty.

736. When it is necessary to convert sterling pensions or gratuities awarded under the rules in this Chapter into rupees, or rupee pensions or gratuities into sterling, the conversion shall be effected at the rate of exchange fixed for the conversion of ordinary civil pensions.

737. Subject to the provisions of the 'Civil Pensions (Commutation) Rules,' the recipient of a pension awarded under the rules in this Chapter may be allowed to commute a portion of it.

738. (a) If an officer is incapacitated for further civil service in consequence of a wound, injury or disability, in respect of which an extraordinary gratuity or pension is awarded to him under the provisions of this Chapter, he will be eligible to receive, in addition to such extraordinary gratuity or pension, any ordinary civil pension or gratuity for which he may be eligible under the Civil Service Regulations.

(b) In the event of his total qualifying service for civil pension rendering him eligible for invalid gratuity only, as distinguished from

pension, he may notwithstanding, be granted at his option a pension calculated as follows in lieu of the gratuity :—

- (i) If he is a member of the Indian Civil Service, at the rate of £30 a year for each completed year of active service, including any period passed with a military force in the circumstances described in Article 739.
- (ii) In other cases, at the rate of one-sixtieth of his average emoluments or each completed year of service for pension, including any period passed with a military force in the circumstances described in Article 739.

NOTE.—[For the purpose of calculating ordinary civil pension or gratuity in the case of an officer who has been serving in a military capacity with a military force (see Article 744), his "emoluments" during the period of such service shall be taken to be those which he would have drawn if he had remained in civil employ, the calculation being made according to the "next below" rule where applicable.]

SECTION II.—WOUNDS, INJURIES, OR OTHER DISABILITIES SUSTAINED BY A CIVIL OFFICER WHILE SERVING WITH A MILITARY FORCE.

739. The rules in this Section apply to officers serving in circumstances justifying their presence with a military force if the connection of the officer with the force can reasonably be held to be due wholly or in part to the fact that he was at the time a civil officer of the Government of India or a Local Government. This may be assumed without question in the case of any officer called out for actual service as a member of the Indian Army Reserve of Officers or of the Auxiliary Force, India, or the Indian Territorial Force, or attached to an Indian unit or to a force under the orders of the Government of India or operating in a country contiguous to India. If in any other case doubt arises as to the applicability or otherwise of the rules in this Section, the decision will rest with the Government of India, subject if they think it desirable, to reference to the Secretary of State for India in Council.

A.—CIVIL OFFICERS SERVING IN A CIVIL CAPACITY WITH A MILITARY FORCE.

Wound, Injury, or Family Pensions or Gratuities.

Civil Officers on pay of Rs. 350 a month or over.

740. A civil officer in receipt of pay of Rs. 350 a month or more, who may be serving in a civil capacity with a military force, may be granted by the Government of India a wound or injury pension or gratuity, and the family of such an officer is eligible for family pensions and gratuities, at the rates and under the conditions stated in

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Army Regulations, India, Volume I (1915 edition), the rank of the civil officer for this purpose being the military rank assigned, or assignable, to him under rule in the field or his relative military rank in the table below, whichever is more favourable to the recipient:—

(a) Viceroy, Heads of Provinces, and Members of Executive Councils—

Class of officer.	Relative Military Rank
Viceroy of India	Field Marshal.
Governor	General.
*Member of an Executive Council, Chief Commissioner of Chief Justice of a High Court	Lieutenant-General.
*Judge of a High Court other than a Chief Justice	Major-General.

(b) Members of the Indian Civil Service.
(Except as above.)

Of more than 31 years' standing	Major-General.
Of more than 23, but not more than 31 years' standing	Colonel.
Of more than 18, but not more than 23 years' standing	Lieutenant-Colonel.
Of more than 12, but not more than 18 years' standing	Major.
Of more than 5, but not more than 12 years' standing	Captain.
Of not more than 5 year' standing	Lieutenant.

(c) Other Civil Officers on pay of not less than Rs. 350 a month.

Monthly pay.	Relative Military Rank
Rs. 2,500 and over	Major-General.
„ 2,000, but less than Rs. 2,500	Colonel.
„ 1,500, „ „ 2,000	Lieutenant-Colonel.
„ 900, „ „ 1,500	Major.
„ 700, „ „ 900	Captain.
„ 450, „ „ 700	Lieutenant.
„ 350, „ „ 450	Second-Lieutenant.

740-A. A civil officer in receipt of pay of less than Rs. 350, but not less than Rs. 200, a month who may be serving in a civil capacity with a military force may be granted by the Government of India a wound or injury pension or gratuity, and the family of such an officer is eligible for family awards, under the conditions stated in Army Regulations, India, Volume I (1915 edition), in so far as they are applicable to Conductors and Sub-Conductors and at the rates specified below:—

	When pay is less than Rs. 250.	When pay is not less than Rs. 250.
(i) Wound Pension	Rs. 800 (or £60) per annum.	Rs. 940 (or £70) per annum.
(ii) Injury Pension	Rs. 480 (or £36) per annum.	Rs. 600 (or £45) per annum.
(iii) Gratuity for a wound or injury received in action.	Rs. 800 (or £60)	Three months' pay, subject to a minimum of Rs. 800 (or £60).

	When pay is less than Rs. 250.	When pay is not less than Rs. 250.
(iv) Family awards—		
(a) Widows' Pension . . .	Not more than Rs. 1,200 (or £90) and not less than Rs. 600 (or £45) per annum.	
(b) Children's Allowance	<div style="display: inline-block; vertical-align: middle; font-size: 3em; line-height: 1;">{</div> If motherless, not more than Rs. 300 (or £22½) and not less than Rs. 167 (or £12½) per annum for each child. If not motherless, not more than Rs. 156 (or £12) and not less than Rs. 83 (or £6½) per annum for each child.	

NOTE 1.—[The above rates of family awards shall be granted under the conditions laid down in Army Regulations, India, Volume I (1915 edition) for the grant of intermediate rates of those pensions and allowances only.]

NOTE 2.—[Pensions, gratuities and children's allowances under this Article shall be paid in sterling if the person to whom payment is made is residing on the date of payment in a country where the rupee is not legal tender, and in rupees in all other cases.]

741. The family pension of a widow will cease on re-marriage; but, in the event of her again becoming a widow, her pension may be restored upon proof that she is in necessitous circumstances and otherwise deserving. The pensions to children will be continued to boys up to the age of 18 years, and to girls up to 21 or marriage, whichever may happen first.

741-A. A civil officer in receipt of pay of Rs. 200 a month or more, serving in a civil capacity with a military force, who is eventually invalidated from his civil employment owing to disease attributable to, or aggravated by, such service, may be granted by the Government of India, with effect from the date of invaliding, a pension equal in amount to the disability addition to his service pension which would have been awarded to him had he been a regular officer or a Warrant Officer of the Army, pronounced permanently unfit for military service owing to disability attributable to, or aggravated by, such service. The rank for this purpose in the case of officers on pay of not less than Rs. 350 a month shall be determined according to the table of the relative military rank in Article 740.

If the officer is in receipt of pay of less than Rs. 350 a month, the pension admissible under this Article shall be equal to the disablement addition which would have been awarded to a Warrant Officer who has qualified by length of service for a retiring pension.

741-B. In awarding gratuities pensions or allowances to families the Government of India shall have discretion to make such modifications in the mode of allotment or conditions of tenure prescribed in Army Regulations, India, Volume I (1915 edition), as they may consider

desirable with a view to adapting these to the legal or customary conditions applicable in the case of the families to be benefited.

Civil Officers on pay of less than Rs. 200 a month.

742. A civil officer in receipt of pay of less than Rs. 200 a month, who may be serving in a civil capacity with a military force, may be granted by the Government of India a wound or injury pension or gratuity, and the family of such an officer, if he is killed on such service or dies of an illness or injury due to such service, may be granted a family pension, under the following rules :—

(i) *Wound or Injury Pension.*

Higher.—At the rate of one-third of pay, subject, if the officer is wholly incapacitated from earning a living, to a minimum of Rs. 10 a month.

Lower.—At a rate not exceeding one-fifth of pay.

(a) The higher rate of pension will only be granted if the officer has sustained, as a result of his service with the military force, a wound or injury occasioning the loss of an eye or limb or of the use of a limb, or equivalent in its effects to the loss of a limb.

(b) The percentage of pay to be awarded in the case of an officer eligible for pension on the lower scale will be decided by the Government of India, at their discretion, according to the severity of the injury.

(c) No pension will be granted unless the wound or injury is reported by a medical board to be severe.

(d) An officer may be recommended for a pension for each eye or limb of which he has lost the use through his service with the military force.

(e) A pension may be granted permanently, or temporarily for a period not exceeding one year in the first instance. In the latter case, the question whether the pension shall be continued, and, if so, at what rate and for what further period, will be left for subsequent determination.

(ii) *Family Pensions.*

At the rate of one-half of the officer's pay.

(a) For the purpose of awarding a family pension under this Article, the term "family" includes only wife, legitimate child, father or mother, dependent upon the deceased for support.

(b) The pension is allotted :—

- (1) to the eldest surviving son, for the support of the family;
- (2) failing a son, to the eldest widow, for the same purpose;
- (3) failing both sons and widows, to the eldest surviving unmarried daughter, for the same purpose;
- (4) these failing, to the father, for the same purpose;
- (5) failing (1) to (4), to the mother, for the same purpose.

(c) The pension to a male is tenable as follows :—

- (1) if the pensioner is under six years of age, till he is eighteen years old;
- (2) if not under six, but under fifty years, for twelve years;
- (3) if not under fifty years, for life.

(d) The pension to a female is for life or until marriage: but on her suitable marriage, the Government of India may at their discretion, grant her five years' pension as a dowry.

NOTE.—[A pension granted to a female infant who is a native of Asia shall, in the absence of special orders to the contrary, last until she leaves her own family to cohabit with her husband, or being married, attains the age of sixteen years, whichever event happens first.]

(e) In awarding a family pension under this Article the Government of India have discretion to make such modification in the mode of allotment or conditions of tenure set forth in clauses (b) to (d) as they may consider desirable with a view to adapting these to the legal or customary conditions applicable in the case of the family to be benefited, or to providing against the improper application of the pension or its premature cessation. They have also power to award the pension to a dependent who does not strictly fall within the definition of "family."

(f) On the cessation of the pension through death, marriage or other cause, the Government of India have discretionary power to re-grant it, in whole or in part, to members of the family lower down in the scale prescribed in clause (b), who may have been dependent on it for support, and for such period as they may consider desirable, not exceeding that admissible under clause (c) or (d) for an original grant.

743. Pension or Gratuity in case of serious detriment to health.—A civil officer of the Government of India or a Local Government in receipt of pay of less than Rs. 200 a month, who, when serving in a civil capacity with a military force, sustains in consequence of that service serious detriment to his health not entitling him to a pension under Article 742, may be granted by the Government of India a special pension or gratuity fixed by them at their discretion with reference to—

- (a) the scale of wound and injury pensions and gratuities which would be applicable, under Article 742, in his case,
- (b) the severity and probable permanence of the disability, and
- (c) the extent to which the disability may be merely an aggravation of one previously existing.

B.—CIVIL OFFICERS SERVING IN A MILITARY CAPACITY WITH A MILITARY FORCE.

744. If a civil officer of Government who is a member of the Auxiliary Force, India, or the Indian Territorial Force, is called out on actual military service, or if a civil officer is otherwise serving in a military capacity with a military force in circumstances justifying his presence, he may elect, if wounded, injured or otherwise disabled as a direct result of such service, to be treated either under the conditions laid down in Articles 740—743 for a civil officer who is serving in a civil capacity with a military force, or under the military regulations governing his employment on military service. In the latter case, the award will be governed by his actual military rank. The election may be made at any time during the service or after it.

NOTE.—[If a civil officer serving in a military capacity with a military force elects to be treated under the conditions laid down in Articles 740—743, his pay, for the purpose of those Articles, shall be taken to be that which he would have drawn if he had remained in civil employ, the calculation being made according to the "next-below" rule where applicable.]

745. The family of a civil officer who loses his life through service in a military capacity with a military force will be treated according to the rules, civil or military, which the officer may have elected for himself, or, if no such election has been made, the family will be given the benefit of the rules most favourable to them.

SECTION III.—WOUNDS, INJURIES, OR OTHER DISABILITIES SUSTAINED OTHERWISE THAN ON SERVICE WITH A MILITARY FORCE.

746. (1) The rules in this Section provide for the grant of a pension or a gratuity to an officer who is injured, and to the family of such an officer who is killed or dies of injuries received, in the execution of public duty in circumstances other than those specified in Section II.

NOTE.—[Military personnel who receive wounds or injuries in the discharge of civil duties, and the families of those officers who die of such wounds or injuries, have no claim to injury gratuities and pensions under military rules and will be dealt with under the rules in this Section.]

(2) No gratuity or pension shall be sanctioned under this Section except after the necessary medical report and the report of the audit officer have been obtained, provided that if the officer lost his life in circumstances which render it impossible to procure a medical report, reliable evidence of the actual occurrence of death may be accepted in lieu thereof.

746-A. (a) When a claim for an extraordinary pension or gratuity under this Section arises, the head of the department or of the office in which the deceased or injured officer was employed will hold a formal inquiry, taking evidence as to—

- (i) the circumstances in which the injury was received or the life lost;
- (ii) in the case of a death, the relationship and the pecuniary circumstances of the claimants.

(b) He will then submit the case, with a statement of the circumstances, through the usual channel to the Local Government or the Government of India, as the case may be. The application should be in Forms Nos. 25 and 26 in the case of an officer injured, and in Form No. 22 in the case of a deceased officer.

746-B. Except as provided below, grants under this Section may be made only when injury or death is met in the performance of any particular duty which has the effect of increasing the officer's liability to injury or death beyond the ordinary risk of the civil appointment held by him. No claims shall be admitted on account of loss of life or bodily injury resulting from an accident to which an officer may be

liable under the ordinary conditions of civil life or in connection with the ordinary discharge of his duty.

NOTE.—[The object of this rule is to limit the grant of a pension or gratuity under this Section strictly to the cases for which it is intended. It is obviously inexpedient for the Government to dispense charity in individual cases, or to do anything which might weaken the inducement to officers to secure proper provision for their families. All doubtful cases should be referred for the orders of the Government of India, who have been authorised to decide in such cases whether the conditions of this rule have been fulfilled with due regard to the principles laid down in it.

It has been decided by the Secretary of State that the performance of operations on venereal or septicæmic patients, or the attendance by nurses or medical subordinates on such patients may be treated as duty involving extraordinary bodily risk. Any grant in accordance with this decision requires the sanction of the Government of India.]

746-BB. Where a police officer is injured or killed whilst in the actual performance of, or in consequence of, his duty, a gratuity or pension may, if the injury or death was intentionally inflicted or caused, be granted to him or to his family, as the case may be, on the scale prescribed in Article 746-C.

746-C. If, in the circumstances described in Article 746-B, it be decided to award a gratuity or pension to a civil officer or his family, and the injury or death in respect of which the grant is to be made has been caused otherwise than on service with a military force, the amount and conditions of the award shall be those prescribed in Sub-section A of Section II above, except that the award shall be made without reference to the military rank which might under rule have been assigned to the officer in the field if he had been serving with a military force, or to his actual military rank if he is a Military officer in civil employ.

746-D. The Government of India have discretionary power to award extraordinary pensions or gratuities in special cases where the conditions of Article 746-B are not strictly fulfilled, as, for instance, when a officer is killed or injured in, or in consequence of, the due performance of his official duties, or because of his official position. Any case in which it appears to the Government of India that the claim to an extraordinary pension or gratuity is doubtful should be referred for the decision of the Secretary of State.

746-E. If, in the circumstances described in Article 746-D, it be decided to award a pension or gratuity to a civil officer or his family, the amount of the award shall be fixed by the Government of India with reference to the character and service of the officer, the nature of the risk undergone and his conduct in accepting it, and the pecuniary circumstances and prospects of the claimant, the *maximum* award being that which would be admissible in a corresponding case falling under Article 746-B. The form and conditions of the award shall ordinarily be the same as those prescribed for a corresponding

case under that Article, but the Government of India may modify these at their discretion, *e.g.*, they may award an equivalent gratuity in lieu of pension, or *vice versa*, if they think that this would be to the benefit of the recipient or desirable on grounds of administrative convenience.

747. Subject only to such conditions as they may impose, the Government of India may grant to an officer who has been severely injured or has contracted a serious disease in the execution of public duty, or to the family of an officer who has died from the effects of such injury or disease, an extraordinary pension not exceeding Rs. 25 a month, or a gratuity not exceeding the equivalent of that amount or Rs. 1,000, whichever may be greater.

NOTE 1.—[The power of the Government of India under this Article may be exercised by the Railway Board in respect of railway servants.]

NOTE 2.—[A gratuity or pension may be granted under this Article to a village watchman (including a municipal chaukidar in the United Provinces) or his family, even though he receives no pay from the State.]

NOTE 3.—[Superintending Engineers in the Public Works Department may be authorised by a Local Government to grant a gratuity under this Article read with Article 733, not exceeding Rs. 20 or two months' pay, whichever is less, to a day labourers or mechanic injured, or to his representatives if he is killed, in the execution of duty by causes beyond his control.]

747-A. *State Railway Servants.*—The following special rules apply in the case of State Railway servants who are injured, or the dependents of such servants who are killed, in the discharge of their duties, in accidents caused by the working of trains or railway engines, otherwise than through their own negligence or wilful action :—

- (1) An employé permanently disabled while on duty may be awarded a gratuity not exceeding 24 months' emoluments, or, if his service is under 24 months, 12 months' emoluments.
- (2) The widow or dependents of a railway employé killed or dying of injuries received while on duty may be awarded a gratuity not exceeding 24 months' emoluments, or, if his service is under 24 months, 12 months' emoluments.
- (3) An employé who sustains partial disablement as the result of a railway accident rendering him unfit for reversion to his former occupation, and for whom no other suitable employment can be found, may be awarded a gratuity not exceeding 12 months' emoluments.
- (4) For the purposes, of rules, (1), (2) and (3), "emoluments" shall be taken at (i) the average amount for the last 12 months' service of the employé if his service is not less than 12 months and (ii) the average amount drawn during his whole service if it is less than 12 months.

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- (5) The gratuity admissible in any case is subject to a maximum of Rs. 15,000.

NOTE 1.—[Gratuities within the maximum limits mentioned in this Article may be sanctioned by the Railway Board in all cases. Agents of State Railways are authorised to sanction gratuities under this Article, provided that the grant in any single case shall not exceed Rs. 6,000.]

NOTE 2.—[Officials of the Railway Mail Service are eligible in the same way as State Railway servants under this Article for the grant of gratuities to those who may be injured, or to the representatives of those who may be killed, in railway accidents. For the purpose of this rule, the Director-General of Posts and Telegraphs exercises powers similar to those exercised by Agents of State Railways in respect of State Railway servants.]

NOTE 3.—[This Article applies to servants of railway companies working State lines. It does not apply to State Railway servants or companies' servants injured or killed in railway accidents otherwise than in the discharge of their duties. In their case, as well as that of other Government servants injured or killed in railway accidents while travelling on civil duty, compensation is payable under the rules applicable to ordinary passengers.]

748. (See Article 528).

749. (See Article 528-A).

PART VII.—FOREIGN SERVICE ; REGULAR ESTABLISHMENTS THE COST OF WHICH IS RECOVERED BY GOVERNMENT ; SERVICE UNDER LOCAL FUNDS.

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PART VII.—FOREIGN SERVICE ; REGULAR ESTABLISHMENTS THE COST OF WHICH IS RECOVERED BY GOVERNMENT ; SERVICE UNDER LOCAL FUNDS.

Chapter XXXIX.—Foreign Service.

Extent of Application.

749-A. The revised rules in this Part will apply only to cases in which officers are transferred to Foreign Service after the 1st August 1913. In the case of officers transferred to Foreign Service before this date, the old rules contained in the original fifth edition of these Regulations should continue to be applied.

749-B. It is to be understood that, unless the Local Government is expressly given authority to make exceptions, all deviations from the Foreign Service Rules require the sanction of the Government of India, whose powers in this respect remain unaltered.

Definition.

750. Foreign Service is of two kinds, *viz.* :—

First.—The service of an officer transferred to service under an employer who is not under the orders of Government and is allowed while in such service to maintain his claim to pension or to leave and pension in the same way as if he were still in the service of Government.

Examples.—Officers lent to Egypt, to an Indian State, a Railway Company, a Port Trust, a Municipality, a District Board or other Local Fund.

Second.—The service of an officer employed in connection with the management by Government of estates or funds which they have taken under their control or received in trust, and paid from the revenues of such estates or from such funds. The service must be strictly connected with the management by Government and appointments existing apart from, or continuing after relinquishment of, Government control can be made only under the conditions of foreign service of the first kind.

Examples.—Administrators of Indian States under direct management, Managers of Courts of Wards' Estates.

General Conditions applicable to Foreign Service.

751. An officer transferred to foreign service remains subject to the general and disciplinary rules which would have applied to him as a servant of Government had he not been so transferred.

752. An officer who belongs to a graded service is allowed the substantive promotion which he would have received had he not been transferred. One who does not belong to a graded service shall not be given substantive promotion in Government service without the specific sanction of the authority who would have been competent to grant the promotion if he had remained in Government service. Nor shall he at the time of his reversion be promoted to a higher appointment than he held at the time of his transfer without the specific sanction of the authority who would have been competent to promote him to that appointment had he continued in Government service. And such promotion shall not be given unless the nature of the officer's duties and the manner in which he has discharged them qualify him for it. An officer whose appointment under Government is one on progressive or a time-scale of pay counts time spent in foreign service for increments.

NOTE.—[An officer who belongs to a graded service may also be allowed any officiating or temporary promotion, which he would have received had he not been transferred, which counts towards additional pension under Articles 644 (b) and 475, (Civil Service Regulations.)]

753. An officer in foreign service may not elect to withhold contribution and forfeit the right to count as Government service the time spent in foreign employ. The contribution paid by or for him maintains his claim to pension or, if contribution is paid for leave allowance also, to pension and leave allowance in accordance with the rules of the service to which he belongs. Neither he, nor anybody which has paid contribution on his behalf, has any right of property in such contribution nor can any claim for refund be entertained.

754. An officer of Government, who is lent on foreign service conditions, may not, except with the sanction of the Government of India, accept a pension or gratuity from his foreign employer in respect of such service.

755. (a) An officer retains while on foreign service a lien upon a substantive office under Government, and when he reverts to Government service either temporarily or permanently, he resumes substantively the position in his service or establishment which he held when he was transferred, or to which he may have attained in accordance with the rule in Article 752.

(b) If an officer proceeds on leave from his foreign service appointment he shall not ordinarily be considered to revert to Government service unless and until he rejoins his appointment in British service.

Where, however, the foreign service is under the control of the Local Government, to service under which an officer reverts on relinquishing such foreign service, that Government may determine the date on which the officer may be treated as reverting to British service.

Where the foreign service is under the control of the Government of India, the officer shall be held to revert to Government service from the date on which his services are replaced at the service of the Local Government or Imperial Department to which he belongs.

756. The salary of an officer appointed to act in a sanctioned appointment in foreign service and the joining time and transit pay of an officer proceeding to, or returning from, foreign service, are regulated in accordance with the rules in Part II of these Regulations.

NOTE.—[The Local Government may, in special circumstances, allow an officer salary in excess of the limits prescribed in this Article but not exceeding the full pay of the appointment, provided that the pay of the appointment does not exceed the limits up to which the Local Government can sanction transfers to foreign service, i.e., Rs. 2,500 or Rs. 1,250 a month, according as the officiating officer does or does not belong to an Imperial service.]

757. An officer in foreign service who is appointed to act in an appointment under Government draws as salary the pay of his appointment under Government on which he has a lien and acting allowance on the pay of the appointment in which he acts. His pay in foreign service is not taken into account in fixing his salary in a Government appointment.

758. When an officer is transferred to foreign service he draws salary from his foreign employer, and contribution is paid to Government, either by or for him, from the date on which he relinquishes charge of his appointment under Government. An officer reverting to duty under Government ceases to draw pay from the foreign employer and contribution is discontinued from the date on which he resumes charge of his appointment under Government. The travelling allowances of an officer both when proceeding on transfer to foreign service and when reverting to duty under Government shall be borne by the foreign employer.

759. An officer lent on foreign service conditions to an Indian State or Local fund will not be allowed to retire voluntarily from the British service on pension while remaining in that of the Indian State or Local fund.

NOTE.—[For the purpose of this Article, retirement may be assumed to be voluntary unless under the rules in Parts IV and V of these Regulations, an officer (1) retires on medical certificate, or (2) is discharged on the abolition of his appointment in British service, or (3) is required to retire on attaining a certain age or on completing a certain period of service, or (4) in cases where he is not so required to retire compulsorily, retires on reaching the age of 55 years.]

760. When any officer lent on foreign service conditions retires from British service (*see* Article 759) without, at the same time, retiring from the service of his foreign employer, the audit officer shall communicate to the foreign employer through the usual authorities a statement showing the date of retirement and the amount of pension drawn from the British Government with a view of enabling the foreign employer, if so inclined, to revise the existing terms of employment.

761. (a) An officer who during leave desires to take up employment in India must obtain the previous sanction of competent authority thereto. If the post is one which should in the opinion of such authority be filled by a servant of Government he must be transferred in accordance with the rules of this Chapter.

(b) An officer who during leave out of India desires to enter foreign service out of India must obtain the previous sanction of the Secretary of State who will decide whether the officer shall be transferred to foreign service and, if so, will prescribe the terms of salary and contribution.

(c) From the date on which an officer enters foreign service he ceases to be on leave and to draw leave allowances from Government.

NOTE 1.—[The authority referred to in clause (a) of this Article is, in the case of a non-gazetted officer, the officer empowered to appoint such officer, and, in the case of a gazetted officer, the Local Government.]

NOTE 2.—[If it be decided to allow the officer to take up employment without entering foreign service he shall be permitted to draw his leave allowances in addition to any emoluments paid to him by the employer.]

Sanction to Transfer to, and Pay in, Foreign Service.

762. Transfer to foreign service is not permissible—

- (i) unless the transfer is in the public interest, that is, the service is such as should, for public reasons, be rendered by a servant of Government;
- (ii) unless the officer holds, when his transfer is effected, an appointment in qualifying service on an establishment paid from General Revenues.

NOTE.—[Service under a landholder who retains the management of his own estate or under such a body as the Society for Prevention of Cruelty to Animals, or under societies for the encouragement of agricultural or veterinary development, has at times been sanctioned on foreign service conditions. Service of this character, however, is properly private employment; the loan of a Government officer for such purposes should be wholly exceptional and should not be allowed unless in the opinion of the Local Government a public advantage is secured which would otherwise be unattainable.]

763. Transfers and appointments may be sanctioned by the Local Government under which the officer is serving, provided (a) the transfer is to foreign service in India, (b) the officer's pay in foreign service does not exceed Rs. 2,500 a month if he belongs to an Imperial service (Article 29-B), and in other cases Rs. 1,250 a month, and (c) the officer has rendered five years' service qualifying for pension. Condition (c) may be relaxed by the Local Government* under which the officer is serving at the time of the transfer; it does not apply to the following officers:—

- (i) Officers subject to the leave rules in Chapter XIII and officers of the Army and the Royal Indian Marine.

* See Note below this article.

- (ii) Employés in the Survey, Forest, Medical, Veterinary and Agricultural Departments with technical qualifications.
- (iii) Officers transferred to foreign service of the second kind.
- (iv) Officers transferred to temporary appointments.

NOTE.—[Local Governments should be on their guard against endeavours to use the service of Government merely as a means of entrance with pensionable status into foreign service.]

1. Temporary appointments are those which last not more than six months. In judging whether an appointment falls within this class, the duration of the appointment should be considered, not the duration of the particular officer's employment.

2. The Local Government may by general or special order—

- (a) delegate to any authority subordinate to it power to transfer to foreign service within the province any officer whom such authority can, without reference to higher authority, appoint or transfer in the ordinary course of administration,
- (b) delegate power to sanction transfers to temporary appointments outside the province.

3. The Government of Madras is empowered to transfer to service in Ceylon without a reference to the Government of India any officer not belonging to an Imperial service.

764. Pay and allowances in foreign service in India may be fixed within the limits specified in Article 763 by the authority sanctioning the transfer. The latter should in doing so be guided by the following general principles which should only be departed from for very special reasons, to be duly recorded :—

I.—The pay of an officer transferred to a post, the duties of which are similar to those of the appointment which he held when transferred, should be fixed at a sum which does not exceed by more than 25 per cent. his last pay in British service, or, if he is acting in a grade or appointment from which he is unlikely to revert, his last salary.

II.—An officer transferred to an unusually responsible or difficult post or to one the duties of which differ from those of his appointment under Government, should receive pay specially fixed with reference to his *status* and pay in the service of Government, and the nature of the work for which he is transferred.

III.—When the transfer is to an Indian State, the Local Government may allow the officer concessions not exceeding those specified in Rule II of Appendix 31. This rule is absolute and Local Governments are not empowered to allow greater concessions. In other cases, officers may be allowed travelling and conveyance allowance on such scale as the Local Government considers adequate; no other kind of allowances should

ordinarily be sanctioned as they should be allowed for in fixing the pay of the officers in foreign service. In special cases in which the Local Government considers them necessary, exchange compensation and local allowances may be sanctioned, subject in the former case to the provisions of Article 41-G. of the Civil Accounts Code, as also the payment of leave and pension contributions by the foreign employer, the value of these concessions being taken into account in fixing the pay of the officers in foreign service.

IV.—Increases of pay should be regulated as follows:—

- (a) An officer, whose pay is fixed under rule I and who belongs to a graded service or who is on progressive pay or in a service in which pay is regulated by a time-scale, may on the occasion of each substantive promotion on his departmental list, or accrual of a periodical increment, be granted an increase equal to that which such promotion or increment would have given him in British service *plus* a sum not exceeding 20 per cent. thereon.

NOTE.—[When an officer in foreign service would have obtained, had he remained in British service, acting promotion from which he would not have been likely to revert, his salary may be raised, with the consent of the foreign employer, to the amount which he would have drawn if he had remained in Government employ.]

- (b) In all other cases in which pay is fixed under rule I, and in all cases in which it is fixed under rule II, no increase should ordinarily be allowed until the officer has been for three years in foreign service. After that period, and subsequently at intervals of not less than three years, increments of not more than 20 per cent. of the original pay may be allowed, if proposed by the foreign employer and if, in the opinion of the authority by whom the transfer was sanctioned, they are justified with reference to the work of the officer and the nature of his duties.
- (c) In the event of a material change in the nature of the duties of an officer in foreign service his pay may be revised within the limits of its powers of sanction by the authority who sanctioned the transfer.

Contributions required for Leave and Pension.

765. (a) An officer transferred to foreign service in India contributes for both leave allowance and pension; if the transfer be to service out of India. contribution is made for pension only.

(b) Contribution is payable during leave on account of an officer who contributes for pension only. When contribution is paid for

both pension and leave allowances it is payable during privilege leave taken in foreign service but not during other kinds of leave.

766. In the case of an officer *in foreign service of the first kind* contributions for leave allowance and pension are levied on an assumed pay, in return for which the Government accepts the charge for the officer's leave allowances of all kinds and pension (or, in the case of foreign service out of India, pension only), calculated on such pay. (As regards privilege leave allowances. *see* Article 779 below.)

767. In the case of an officer of any of the classes mentioned in Article 763 (i) pay is assumed to be as follows whatever the actual pay and allowances drawn by him in foreign service may be :—

(a) If the officer is on a time-scale of pay, the pay which he would have drawn from time to time had he remained in British service.

(b) For officers who are not on a time-scale of pay :—

	Indian Civil Service. Rs.	Other Service. Rs.
(i) For two years reckoning from the 1st of April following arrival in India, or, in the case of an officer appointed in India, following date of appointment	400	350
(ii) For every subsequent year	100	50

Assumed pay whether calculated according to clause (a) or (b) of this Article is subject to the following maxima ; Rs. 2,500 a month in the case of a member of the Indian Civil Service, or a Military officer subject to the Civil Leave Rules ; Rs. 1,750 in the case of a Military officer subject to the Indian Army Leave Rules, and Rs. 2,000 a month in the case of any other officer subject to the rules in Chapter XIII : provided that except in the case of members of the Indian Civil Service, Military officers, any other officers whose pensions are fixed in sterling, and officers who may become eligible for a special additional pension under Articles 475, 642, and 643, assumed pay shall not exceed Rs. 1,500 a month.

Exception.—In the case of an officer promoted from a subordinate grade to service which is subject to the leave rules in Chapter XIII assumed pay is the pay he would draw from time to time on the Government list to which he belongs.

Note.—[In the case of Royal Engineer officers, the date to be taken for purposes of calculating assumed pay under this Article as the date of arrival in India, will be the date following the completion of two years from date of first commission. In making the calculation, service, both at home and abroad, is to be taken into account.

768. In the case of officers other than those mentioned in Article 763 (i) assumed pay is either the pay last drawn in Government service, or, if the officer belongs to a graded service, or is on a progressive or time-scale of pay, that to which he has attained or been promoted in accordance with the rule in Article 752, up to a maximum of Rs. 1,250 a month.

769. In the case of an officer in foreign service of the second kind contributions for leave allowance and pension are levied on actual sanctioned salary [including a duty allowance or deputation (duty) allowance], subject to the maxima prescribed in the case of assumed pay in Articles 767 and 768. In return for these contributions the Government accepts the charge for the officer's leave allowances of all kinds and for his pension calculated on sanctioned salary [including a duty allowance or deputation (duty) allowance].

770. Contribution is levied at the following rates:—

	For pension and leave allowance.	For pension only.
(a) In the case of officers of the classes mentioned in Article 763 (i)	$\frac{5}{16}$	$\frac{1}{8}$
(b) In the case of other gazetted and non-gazetted officers	$\frac{1}{4}$	$\frac{1}{8}$
(c) In case of inferior servants . . . . .	..	$\frac{1}{16}$

NOTE 1.—[Percentage deductions (e.g., Civil Fund in the case of a member of the Indian Civil Service) are calculated upon "assumed pay" in foreign service of the first kind and upon actual sanctioned salary in foreign service of the second kind.]

NOTE 2.—[In the case of a Military officer the contribution covers the liability of Indian Revenues for temporary half-pay or half-pay pension when an officer loses his health during foreign service out of India, before becoming entitled to ordinary so-called full pay pension.]

NOTE 3.—[The Chairman and Deputy Chairman of the Bombay Port Trust and the Chairman, City of Bombay Improvement Trust, contribute for pension only at the rate of $\frac{1}{4}$ th of assumed pay, their leave allowances for such leave as has been earned in its service being paid by the Trust.]

NOTE 4.—[The Government of India pay no leave allowances to inferior servants transferred to foreign service.]

NOTE 5.—[Contributions in respect of Indian troops, warrant and non-commissioned officers and men of the Army departments, etc., lent for service out of India are regulated by separate orders.]

771. *Cancelled.*

Remission of, and Exemption from, Contribution.

772. (a) The Local Government may remit contribution for any period for which an officer in foreign service is temporarily employed under Government, on duties additional to or distinct from his duties in foreign service.

(b) The following classes of officers are exempted from the payment of contribution under the above rules, and their pensions [and, in cases (ii) to (v) leave allowances] are calculated according to the rules applicable to Government servants:—

(i) Officers lent to His Majesty's Government or to British Colonies Protectorates, etc. In such cases, if the loan is

to the War Office, a share of the pension ultimately granted to the officer is paid by the War Office under separate arrangements, but if it is to a British Colony or Protectorate, pension contribution is paid during the period of the loan by the employing Government either to the Government of India, or to the India Office. When, however, an officer is allowed to take up duties under the War Office, he may in certain circumstances be required to pay a pension contribution in respect of the period of the loan.

- (ii) Subordinates in the Revenue Survey temporarily lent to Municipalities for duty which, though paid for by them, also promotes Imperial interests.
- (iii) Medical officers lent to charitable dispensaries or hospitals in British India. In any province, however, in which the changes in the conditions of service of Assistant Surgeons authorised by the orders in Home Department Resolution No. 1148-50, dated 22nd August 1898, have been brought into operation, contribution must be paid under the ordinary rules.
- (iv) Officers of the Royal Indian Marine lent to Port Trusts.
- (v) Any other officer or class of officer, who, by the specific orders of the Government of India, has been exempted from the payment of contribution.

Procedure for Payment of Contribution.

773. A copy of the orders sanctioning an officer's transfer to foreign service must always be communicated to the Account Officer (referred to in Article 774) by the authority by whom the transfer is sanctioned. The officer himself should, without delay, communicate a copy to the officer who audits his pay, and take his instructions as to the officer to whom he is to account for the contribution; report to the latter officer the time and date of all transfers of charge to which he is a party when proceeding on, while in, and on return from, foreign service; and furnish from time to time particulars regarding his salary in foreign service, leave taken by him, his postal address and any other information which that officer may require.

774. (a) In the case of foreign service out of India, the "Account Officer" is the * Comptroller, India Treasuries.

(b) In the case of foreign service in India—

- (1) if salary in foreign service is paid from a Government Treasury, and is subject to audit by an audit officer of Government, the Account Officer is such audit officer;

* Now styled Accountant-General, Central Revenues.

- (2) otherwise, the Account Officer is the Accountant-General of the Province in which the Municipality, Port Trust or other body concerned is situated, or in the case of service under an Indian State, the Accountant-General of the Government under whose administration the State is.

775. Ordinarily, contribution is payable directly to Government by the transferred officer himself. Government does not enter into arrangement with foreign employers or make direct demands upon them. Exceptions to this rule are :—

- (a) Cases in which officers are lent to His Majesty's Government or to British Colonies, Protectorates, etc., and in which the contribution is payable by the borrowing Government [see Article 772 (b) (i)];
- (b) Cases in which salary is payable at a Government treasury under the orders of the Accountant-General, and contribution is deducted from salary;
- (c) Cases of members of clerical establishments in foreign service of the second kind, in which responsibility for payment of contributions and compliance with the rules rests with the officer who controls the fund or administers the trust;
- (d) Cases in which, by special order or arrangement, contribution is recovered collectively on account of several officers employed under one foreign employer through an agent or officer who represents the employer.

776. Not later than 15 days after the end of each quarter for which salary in foreign service is earned, the officer must remit, in such manner as may be arranged with the Account Officer, the contribution payable by him for the quarter.

In any case in which contribution falls into arrear, the Account Officer should bring the fact to the officer's notice and claim interest at the rate of 4 pies a day per 100 rupees upon the amount due, from the date of expiry of the 15 days to the date on which contribution is paid up.

If any amount due, including interest, is not paid within 12 months of its accrual, the Account Officer should intimate to the officer the amount due up to date, and inform him that in consequence of the default he has forfeited his claim to pension or pension and leave allowance, as the case may be. In order to revive his claim the officer must at once pay the amount due and represent his case to the Local Government who will deal finally with it.

Interest on overdue contributions should not be remitted save in exceptional circumstances. The Local Government may remit amount

not exceeding Rs. 10. The remission of amounts exceeding Rs. 10 requires the sanction of the Government of India.

Rules regarding Leave, and the Grant of Leave.

777. An officer holding an appointment in foreign service in India may not take leave or obtain leave allowances from Government unless he actually quits duty and proceeds on leave.

778. An officer on foreign service in India may not be granted leave otherwise than in accordance with the rules of the Government service to which he belongs. If such leave is granted to an officer the Account Officer shall on the fact coming to his notice require the leave so granted to be commuted to the leave for which the officer is eligible under rule, and call upon him to refund any allowances in excess of the amount admissible. The officer himself is personally responsible for the observance of the rule contained in this Article; by accepting leave to which he is not entitled under the rules he renders himself liable to refund allowances irregularly drawn, and in the event of his refusing to refund, to forfeit his previous service under Government, and to cease to have any claim on Government in respect of either pension or leave allowances.

779. An officer in foreign service *of the first kind* in India draws leave allowances calculated on assumed pay, save that in the case of privilege leave he is entitled to his actual pay in foreign service, the difference between such pay and assumed pay being paid by the foreign employer. In the case of foreign service *of the second kind* all leave allowances are calculated on actual sanctioned salary and paid in full by Government.

780. (a) Privilege leave which is certified by the Account Officer (Article 774) to be admissible may, when taken by itself, be granted to an officer in foreign service in India by his employer.

(b) Leave other than privilege leave taken by itself, may, in cases where the transfer has been sanctioned by the Government of India or a Local Government, be granted to an officer in foreign service in India by the Local Government under whom he was serving before his transfer; in other cases it may be granted by the authority who sanctioned the transfer.

(c) An officer who is in foreign service in India should submit all applications for leave, other than privilege leave taken by itself, with the report of the Account Officer, through his employer or to the authority competent to sanction the leave.

781. To an officer who is in foreign service out of India leave in respect of his foreign service may, unless special arrangements as to leave have been made on his behalf by the Government of India or the Secretary of State, be granted by his employer on such conditions as to leave and absentee allowances as the employer may determine. The

officer should make himself acquainted with the rules or arrangements which are to regulate his leave before accepting foreign employment, and the Account Officer will be responsible for obtaining from him at the time of transfer a declaration showing that he has read and understood this rule. Time spent by the officer in foreign service out of India, though not constituting an interruption of service for leave under the Civil Service Regulations, does not count for such leave. Leave earned in respect of service under Government before transfer cannot ordinarily be granted to such an officer so long as he continues to be on foreign service.

Special Cases.

782. An officer of the Education Department, who is transferred by the Local Government in the public interest to a non-departmental College or School managed by a Board on which the Local Government is represented, or which is administered under a constitution and regulations approved, and of which the scale of superior appointments is sanctioned by Government may contribute for leave allowances and pension under these Regulations.

CHAPTER XL—*cancelled.*

CHAPTER XLI.

Regular Establishments the cost of which is recovered by Government.

783. When an addition is made to a regular establishment on the condition that the cost shall be recovered from the persons for whose benefit the establishment is created, recoveries should be made under the following rules :—

- I.—The amount to be recovered should be the gross sanctioned cost of the service, and should not vary with the actual expenditure of any month.
- II.—The cost of the service should include the amounts required under Articles 769, 770 to provide for pension and leave allowances; these amounts being calculated on the sanctioned rates of pay [including duty and deputation (duty) allowances] of the members of the establishment. The remission of recovery on this account requires the sanction of the Government of India if the cost of the service exceeds Rs. 250 per month.
- III.—If for any period the expenditure incurred, or to be incurred, should be considerably less than the sanctioned cost, the Local Government may reduce the amount of the

recovery, the reduction being roughly proportionate to the difference.

NOTE 1.—[In the case of permanent establishments (as also temporary establishments which are filled by men already in permanent Government employ), a part of the cost of which is recovered from persons or bodies benefited by their service, a demand for leave and pension contributions should be made in respect of the portion of the cost paid by the persons benefited, the limit of Rs. 250 a month prescribed in clause II above applying only to such portion.]

NOTE 2.—[Recovery of contribution has been remitted in the case of the following class of officers: Native Superintendents of Vaccination and Vaccinators in the Bombay Presidency enrolled as officers of Government before 27th November 1906 and employed in Cantonments or under Municipalities or paid from Local Funds.]

NOTE 3.—[The contributions for pension and leave allowances referred to in clause II above should be levied at the rates prescribed in Articles 769 and 770 only in the case of establishments sanctioned after the 1st August 1913, the rates in the old rules contained in the original fifth edition of these Regulations continuing to apply in the case of establishments that existed before that date even though the incumbents may change or additions be made to these establishments.]

784 to 795.—*Omitted.*

CHAPTER XLII—Service under Local Funds.

SECTION I.—PENSIONS.

796. Apart from any special provisions made under the following rule, service paid for from a Local Fund does not qualify for pension.

797. In the case of the Local Funds which up to the 1st April 1908 were treated as Incorporated, the Local Government may, subject to any provisions of law applicable to the case, allow the Trustees, Committee, or Managers to treat the service as qualifying, and may itself do so in the case of Funds under its own direct administration.

798. The same procedure should be observed in the calculation, grant and payment of pensions for service treated as qualifying under Article 797, as is prescribed for pensions payable from General Revenues, but the pensions must be paid from and charged against the Local Fund.

NOTE.—[See the Notes under Article 807.]

799. When part of the pensionable service of an officer qualifies for pension from the General Revenues and part from the Local Funds which up to 1st April 1908 were treated as Incorporated, his pension is paid and charged according to the Rule of Proportions: it is not admissible to disregard the pensionable Local Fund service, and award a pension only for the service paid from General Revenues: Provided that if, under this rule, less than one-fourth of the pension would be payable from either source, no distribution shall be made; in such case the other source shall bear the whole charge.

800. In the case of other Local Funds, the rule that service does not qualify does not prohibit the grant and payment of pensions in conformity with the general terms of the pension rules by the authorised administrators of the funds. But Government is in no way

responsible for the sanction or continuance of such pensions, and no standing order for their payment may be issued to or received by, any Government Treasury, and the procedure rules in Part X do not apply to them.

NOTE.—[The restrictions as to the payment of such pensions do not apply to pensions chargeable to the Calcutta Fire Brigade Fund.]

801. Service in the following establishments paid from Local Funds is treated as qualifying, provided that pension for service under the Fund is paid from the Fund, the Rule of Proportions being applied in the case of service paid partly from the Fund and partly from other sources :—

- (i) Establishments paid from Port Funds managed by Government.

NOTE.—[The rule regarding officers of the Royal Indian Marine lent to Port Trust is given in Article 772 (b) (iv).]

- (ii) Members of the establishment of the Fire Brigade, Calcutta, whose pay at date of discharge exceeds Rs. 20 a month.

NOTE.—[The pension of a member of the Fire Brigade who was enlisted on or after 27th December 1905 and whose pay at date of discharge does not exceed Rs. 20, is regulated by Scale B in Article 503 and is paid from the Fire Brigade Fund or from the Fire Brigade Fund and the General Revenues according to the Rule of Proportions as provided above for officers on pay exceeding Rs. 20. The pension of a member of the Fire Brigade who was enlisted before 27th December 1905 and subscribed to Police Superannuation Fund, and whose pay at date of discharge does not exceed Rs. 20 is, on his being invalided, regulated by Scale A in Article 503 and paid from General Revenues, provided he pays up his subscriptions from 27th December 1905 to the date of his retirement. Failing such payments, his pension or gratuity is regulated by Scale B in Article 503 and paid from the Fire Brigade Fund or from the Fire Brigade Fund and the General Revenues according to the Rule of Proportions as provided above for officers on pay exceeding Rs. 20.]

1. The transfer of Government servants to service under Local Funds should ordinarily be dealt with under the rules regarding Foreign Service. The application of the Rule of Proportions to service partly under a Local Fund (other than those mentioned in this Article and in Article 799) requires the special sanction of the Local Government who before giving such sanction should satisfy itself that the fund in question is not of a merely temporary character that it is solvent and able to bear the charge, and that the pension can legally be charged to it.

Pensions from the General Revenues.

802. The administrators of a Local Fund may, with the permission of the Local Government, make a permanent arrangement for contributing for pensions from the general revenues for its permanent employees or for any specified classes of them by paying to Government a contribution of one-ninth of the sanctioned salaries of the several appointments : provided that—

- (a) the contribution must be paid in full at the beginning of each month by cash or cheque to the nearest Government treasury. Any default in the payment of the contribution entails forfeiture of the claim against Government;
- (b) the bills for establishment charges must be subject to audit by Government with a view to ensuring that health certificates have been obtained for new entrants, that the

contributions are recovered in respect of the whole establishment sanctioned, and that no employé in any month draws more than the amount sanctioned for the appointment held by him.

Arrear contributions in respect either of individual officers or classes of officers, proposed with a view to render past service qualifying, cannot be accepted.

1. The Municipal Corporation of the City of Bombay may make a similar arrangement for contribution to pensions from the general revenues for teachers employed in municipal schools, without enforcement of the condition of the audit by the Accountant General, provided the Accountant General is furnished with—

- (1) an annual list of the Establishment of teachers in Civil Account Code Form No. 3 with accompaniment in Form No. 4;
- (2) health certificates of all new employés;
- (3) last-pay certificates of all teachers transferred from other schools.

2. (a) Teachers employed in schools maintained from Local or Municipal Funds in Bombay—

- (i) who were appointed to Local (not Municipal) Fund service before the 26th June 1882 and on whose behalf contributions were made from Local Funds to the Local Fund Pension Fund; or
- (ii) who were appointed or transferred from Government service after the 26th June 1882 (the date of the Local Fund Pension Fund was closed to new entrants) and before the 7th January 1889, the date of the new Foreign Service rules, and on whose behalf contributions were specially permitted by the Local Government to be paid to secure a title to pension from General Revenues under the rules in force before 7th January 1889 (see "Note" below), continue to be in pensionable service when they are transferred, together with the schools in which they are employed, from Local to Municipal service, and *vice versa*.

(b) Also teachers, fulfilling either of the conditions (i) and (ii) above, who are transferred under orders of the Local Government and in the interests of the public service, and not for private reasons, between Local Fund and Municipal schools, continue to render service pensionable from the General Revenues: Provided that contributions are paid in all cases under the rules in this Chapter.

(c) In case (i) any pension granted is charged to the Local Fund Pension Fund and to the General Revenues according to the Rule of Proportions.

NOTE.—[Under the rules in force prior to January 1889, an officer paid from a Local Fund was allowed on first appointment with the permission of the Local Government, and upon production of the health certificate prescribed in Article 49, to subscribe for a pension from the General Revenues, the contribution being calculated at one-eleventh of the gross salary received from his foreign employers subject to a maximum of Rs. 100 a month. This permission, in so far as it relates to individual officers (apart from the regular system of contribution under the above article), is withdrawn, but officers who have already been permitted to subscribe may continue to do so subject to the conditions prescribed in Article 756 (a) of the Old Foreign Service Rules. These Regulations will then apply to such officers so long as they continue to subscribe for pension as if they were paid from the General Revenues.]

803. An officer who is in qualifying service under Government may be transferred by the Local Government to service under a Local Fund under the same limitations and conditions as are applicable to transfers to Foreign Service. If the establishments are fixed and controlled by Government in the same way as Government establishments, the limitations and conditions are those applicable to Foreign Service of the

second kind; otherwise they are those of Foreign Service of the first kind.

804. Teachers and other members of the pensionable establishments of Government Schools, who are transferred with the schools to which they belong to service under Local Boards, continue to render service qualifying for pension from the General Revenues, and are entitled to the concession even though they may be moved from the school with which they are transferred to another school which was formerly under Government management.

Teachers appointed to schools transferred to the management of Local Boards are entitled to pension from the General Revenues if the Local Government makes a part of its contribution to the school in the form of free pensions.

805. If an officer, whose service is reckoned as pensionable under the provisions of Article 802, is transferred to the similarly pensionable establishment of another Local Fund, the transfer will not interrupt the continuity of service for pension. Transfers may also be made between such service under Local Funds and service in Government establishments.

806. Article 755 (a) does not apply to an officer transferred to service under a Local Fund under the conditions and limitations of Foreign Service of the second kind otherwise than as a merely temporary arrangement; but it does refer to transfers to service under a Local Fund under the conditions and limitations of Foreign Service of the first kind.

Pensions payable partly by Government and partly by a Local Fund.

807. When a pension is payable partly by Government and partly by a Local Fund, the Local Fund concerned may pay the capitalised value (calculated on the basis of the Table of commutation values for pensions applicable to the pensioner, increased by 10 *per cent.*) of its share of the pension to Government which will thereupon accept liability for the payment of the entire pension.

NOTE 1.—[When a pension is payable partly by Government and partly by a Local Fund, the Local Fund concerned may pay the capitalised value (calculated according to the Post Office Annuity Table) of its share of the pension into the Government Treasury instead of purchasing an annuity from the Post Office.]

NOTE 2.—[A District Board or Municipality may, with the previous sanction of the Commissioner of the Division (in Madras of the Local Government), grant a gratuity as such, to any of its servants in lieu of the annuity purchaseable under this Article, if the gratuity proposed is not large enough to purchase an annuity of Rs. 2 a month or more.]

Local Fund Pension Funds.

808. The Government does not guarantee the solvency of Funds formed by the subscriptions of Local Fund officers, and established to provide pensions for the subscribers thereto.

Exceptional Cases.

809. In the following cases, service paid from Local Funds qualifies :—

- (a) Service paid from the Cotton Frauds Improvement Fund which qualified for pension payable from that Fund prior to its exhaustion ;
- (b) Second writers and daroghas on Jail establishments in the Bombay Presidency formerly paid from a Jail Labour Fund ;
- (c) Muharirs attached to the Court of any Honorary Magistrate in the Central Provinces and paid from Municipal Funds ;
- (d) Officers in the United Provinces transferred in connection with the introduction of the Local Self-Government scheme before the 1st April 1885 to service under Local Committees constituted under Acts III and IV of 1878 ;
- (e) Officers in Assam transferred after the 10 May 1882, and before the 12th May 1884, to service under Local or District Committees constituted by the Assam Local Rates, Regulation (1879) ;
- (f) Officers in the Punjab transferred before the 1st July 1886 to service under District Boards constituted under Act XX of 1883 ;
- (g) Service paid from the "Quetta Revenue Fund" before the 1st April 1883, from which date the charges previously paid from the Fund became charges on the General Revenues.

SECTION II.—LEAVE, ACTING AND TRAVELLING ALLOWANCE RULES.

810. Service under the Local Funds which up to 1st April 1908 were treated as Incorporated may qualify for leave under Part III ; but the allowances given during such leave must be disbursed from the Local Funds and General Revenues according to the Rule of Proportions : Provided that, if less than one-fourth of the said allowances would be payable from either source, the whole of the allowances shall be charged to the other source.

811. Except in the case of employés of Local Funds which under legal enactment, or under rules framed under such enactment, have special rules regulating all or any of such matters, no leave, or allowances during leave, or acting allowances to an officer paid from a Local Fund, or from any other sources under the control of a Government officer, shall, without the express sanction of the Local Government,

exceed what would be admissible under the rules which apply to an officer paid from General Revenues.

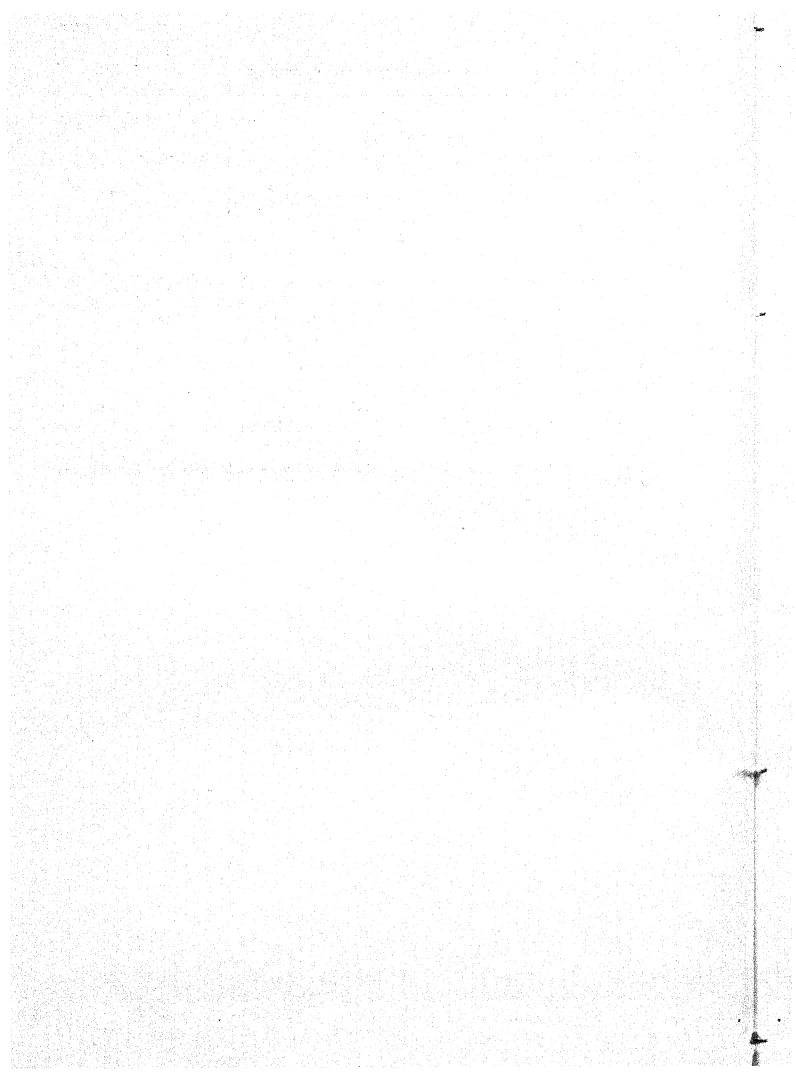
NOTE.—[A Local Government may delegate its power under this Article to Heads of Departments.]

812. The salary of an officer whose substantive office is paid from a Local Fund appointed to act in an office paid from the General Revenues is calculated as it would be if his substantive office also were paid from the General Revenues.

813. Applications for leave are ordinarily made to the Managers of the Local Fund concerned ; but when the officer contributes for pension and leave, or pension only, Article 780 should be complied with.

814. The travelling allowance rules in Part XI do not apply to officers paid from a Local Fund or from any sources other than General Revenues under the control of any Government officer ; but the travelling allowance paid to such officers shall not, without the express sanction of the Local Government, exceed what would be admissible to similar officers under Part XI.

NOTE.—[A Local Government may delegate its power under this Article to Heads of Departments.]



PART VIII.—RECORD OF SERVICE.

GENERAL ARRANGEMENT.

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PART VIII—RECORD OF SERVICE.

Chapter XLIII.—Record of Service.

SECTION I.—GAZETTED OFFICERS.

815. (a) A record of the service of gazetted officers and of Myooks and Junior Assistant Registrars in the Co-operative Department in Burma is maintained by the Audit Officer under arrangements which differ in different departments. The general arrangement to be observed is that the Service Registers should be kept by the Audit Officer who audits the salaries, and that, when an officer passes from one audit circle to another, a record of his past service should be passed on from the Audit Officer whose circle he leaves to the Audit Officer to whose circle he is transferred.

(b) In the case of Chaplains, the record is kept by (i) the Accountants General of the Provinces in which the Chaplains serve, and (ii) the *Comptroller, India Treasuries, for the Archdeacon of Calcutta and the Presidency Senior Chaplain, Church of Scotland, Bengal.

(c) When a Chaplain of the Church of Scotland is posted to or relieved from the charge of a regiment, the Army Department should inform the Accountant-General concerned.

1. When a gazetted officer is transferred to Foreign Service, a copy of his Service Register will be sent by the Audit Officer whose duty it was to keep it, to the Accountant-General who will account for the contribution and the latter will return the register (or an extract from it), duly written up to date, when the officer is re-transferred to British Service.

2. Government Examiners of Railway Accounts and the Examiner of Accounts, Military Works Services, will keep the Service Registers and Service Books of officers and subordinates of the Railway Department and the Military Works Services as the case may be, transferred to Foreign Service, and will issue their last-pay certificates, all contributions paid into the Treasuries on account of these officers being reported to the Audit Officers by the Accountant-General.

SECTION II.—NON-GAZETTED OFFICERS.

816. With the exceptions noted below, a service book (Form 23) should be kept for every non-gazetted officer holding a substantive appointment on a permanent establishment, in which every step in his official life should be recorded, each entry being attested by the head of his office. If the officer is himself the head of an office (*e.g.*, a Post-master or a Sub-Inspector of Police), the attestation should be made by his immediate superior. The following are the exceptions referred to :—

(1) Non-gazetted officers the particulars of whose service are recorded in the "History of services of gazetted and other officers" or in Service Registers maintained by the Accountant-General. (2) Sub-Registrars in Bengal and Bihar and Orissa whose record of service is maintained by the Inspector General of Registration in the form of Service Registers. (3) Members of the Salt Preventive Force mentioned

* Now styled Accountant General, Central Revenues.

in item (3) under Article 494 of these Regulations; Police Officers of rank not higher than head constable. (3A) Members of the menial establishment in the Presidency Division of the Salt Department in the Bombay Presidency whose pay does not exceed Rs. 20 a month, also the Excise menial staff in that Presidency. (4) Postmen and village postmen (excluding head postmen, overseer postmen and sorting or reader postmen), and mail guards in the Railway Mail Service and linemen or line riders in the Telegraph Engineering Branch recruited after the 15th November 1933. (5) Mandals employed in the Assam Valley Districts. (6) Myooks and Junior Assistant Registrars in the Co-operative Department in Burma. (7) Permanent subordinate non-pensionable employés on State Railways for whom a special form of record has been prescribed. (8) Inferior servants of all sorts. (9) Enrolled clerks, storekeepers and checkers of the Indian Army Service Corps and Indian Corps of Clerks (Indian Wing).

817. Service rolls such as those prescribed for the Police in Article 823 should be maintained for all officers holding substantive appointments on a permanent establishment for whom service books are not kept except runners, boatmen and coolies in the Post Office, and the officers referred to in exceptions (1), (2), (6) and (7) under Article 816. Service rolls should invariably be submitted with the pension papers to the Audit office.

818. A Service Book is supplied at his own cost to every officer on his first appointment. It is kept in the custody of the head of the office in which he is serving, and transferred with him from office to office. It may be given up to the officer if he resigns or is discharged without fault, an entry being first made therein to this effect. The head of the office should see that all entries in the service book are duly made and attested. There should be no erasure or over-writing, all corrections being neatly made and properly attested.

819. It is the duty of every officer to see that his Service Book is properly kept up, in accordance with the previous Article. If the book is not carefully kept up, difficulties may arise as to verification of service, when the officer applies for pension. The head of the office will, therefore, allow the officer to examine the service book, should the officer at any time desire to do so. Ordinarily there should be no occasion for this as the examination should be made whenever the officer is required to sign against an entry in his service book.

820. Personal certificates of character should not, unless the Local Government so directs, be entered in column (14), but if an officer is reduced to a lower substantive appointment, the cause of the reduction should always be briefly stated thus—"Reduced for inefficiency," "Reduced owing to revision of establishment," etc.

821. Every period of suspension from employment, and every other interruption in service, should be noted, with full details of its duration, by an entry written across the page, and attested by the head of the office or other attesting officer.

1. The head of the office should take efficient measures to see that these entries are made with regularity. The duty should not be left to the non-gazetted officer concerned.

822. (a) If the officer is transferred to Foreign Service, the head of the office or department should send his Service Book to the Accountant-General, who will return it after noting therein, under his signature, the orders of Government sanctioning the transfer, the effect of the transfer in regard to leave admissible during Foreign Service, and any other particulars which the Accountant-General may consider to be necessary in connection with the transfer. On the officer's re-transfer to the British Service, his Service Book should again be sent to the Accountant-General, who will then note therein, under his signature, all necessary particulars connected with the officer's Foreign Service.

1. No entries made in the Service Book of an officer on Foreign Service of the first kind can be attested by any officer except the Accountant-General.

2. Rule 1 does not apply in the case of Military Works and Railway Subordinates (*vide* rule 2 under Article 815).

(b) In cases in which the salaries are audited by an Accountant-General, this Article does not apply to Foreign Service of the second kind.

SECTION II.—NON-GAZETTED POLICE SERVICE.

823. In the case of Police officers of rank not higher than head constable, there shall be kept up for each district by the District Superintendent of Police a Service Roll in English, in which shall be recorded the date of the enrolment of each man in the Constabulary; his caste, tribe, village, age, height, and marks of identification when enrolled; his rank, promotion, reduction or other punishment; his absences from duty, on leave or without leave; the interruptions in his service; and every other incident in his service which may involve forfeiture of portions of his service, or affect the amount of his pension. The roll shall be checked by the Vernacular Roll and Order Book and the Punishment Register, and every entry in it shall be signed by the District Superintendent of Police.

824. From this Roll the necessary statement of service of every applicant for pension shall be prepared, additional proofs being collected, as prescribed in Article 908, in respect of any service rendered before enrolment in the Constabulary which the applicant may be entitled to count.

PART IX.—PROCEDURE RELATING TO LEAVE.

GENERAL ARRANGEMENT.

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PART IX.—PROCEDURE RELATING TO LEAVE.

Chapter XLIV.—Applications for and Grant of Leave.

SECTION I.—APPLICATIONS.

825. Except as provided in Articles 841 to 845 and 848, an application for leave should be submitted to the Local Government, or other authority whose duty it would be to fill up the appointment of the applicant if it were vacant.

1. When a gazetted officer applies for leave, he should quote the Article or Section of these Regulations under which he considers himself entitled to the leave.

826 and 827. Cancelled.

Medical Certificates—General Rules.

827-A. Medical Officers are debarred from recommending the grant of sick leave in any case in which there appears to be no reasonable prospect that the officer concerned will ever be fit to return to duty. In such a case, the opinion that the officer is permanently unfit for service under Government should be recorded in the Medical certificate.

NOTE.—[Leave should not necessarily be refused to an officer, when a Medical Board in India has reported that there is no reasonable prospect of his ever being fit to return to duty, but may be granted after careful and special consideration of the case by the Local Government under which the officer is serving. The following procedure should be carefully observed by the Local Government in dealing with such cases. If the Medical Board are unable to say with certainty that the officer will never be fit for service in India again, it would be reasonable to grant him a short period of leave, not exceeding twelve months in the first instance, if admissible under the rules applicable to him. If, however, the officer is declared to be completely and permanently incapacitated for further service in India [see Article 447 (a)], there is ordinarily no alternative but to invalid him from the service, either at the expiration of the leave already granted to him, if he is on leave at the date of his appearance before the Medical Board, or, if he is not on leave, then from the date of the Board's report. In special cases, as for example where the officer's breakdown in health has been caused in and by the service, or where he has had a comparatively small proportion of leave during his service, or will complete at an early date an additional year's service for pension, the Local Government may at its discretion, after due consideration of the merits of the case, grant him leave (if he is not on leave) or an extension of leave (if he is already on leave) for a short period, if it is admissible under the rules applicable to him, provided the grant of leave, or extension, as the case may be, does not exceed six months. This rule should be regarded as applicable to all officers serving under civil rules.]

827-B. All certificates of medical boards or medical officers granted under the provisions of Article 829 or 831 of the Civil Service Regulations (or under any similar rules applicable to particular classes of officers) should contain a proviso that no recommendation in them shall be evidence of a claim to any leave which may not be admissible to an officer under the terms of his contract or the rules to which he is subject.

Medical certificates—Gazetted officers.

828. An application from an officer in India for leave, or extension or commutation of leave, on medical certificate, must be accompanied by a certificate in the following form :—

Medical certificate for Gazetted officers.*Statement of the case of*

Name (To be filled in by the applicant
in the presence of the Staff Surgeon
or authorised medical attendant.)

Appointment

Age.

Total Service

Service in India

Previous periods of leave of absence on medical certificate

Habits

Disease

I, Staff Surgeon

or

Medical officer attending the case

after careful personal examination of the case hereby certify that
is in a bad state of health
and I solemnly and sincerely declare that according to the best of my
judgment a period of absence from duty is essentially necessary for the
recovery of his health and recommend that he may be granted
months' leave with effect from

Dated

Staff Surgeon,

The

or Authorised Medical Attendant.

NOTE.—[The form should be adhered to as closely as possible and should be filled in after the signature of the applicant has been taken. The Certifying Officer is not at liberty to certify that the applicant requires a change from or to a particular locality, or that he is not fit to proceed to a particular locality. Such certificates should only be given at the explicit desire of the administrative authority concerned, to whom it is open to decide, when an application on such grounds has been made to him, whether the applicant should go before a Medical Board to decide the question of his fitness for service.]

829. With the cognizance of the head of his office, or if he is himself the head of his office, of the head of his department, the applicant must, except in the cases provided for in Article 831, present himself with two copies of the statement of his case at the seat of the Government under which he is serving, or at such other place as may be appointed by that Government where a Committee of Medical Officers can be assembled under the orders of the Administrative Medical Officer

of the Province, and when practicable, presided over by him. From this Committee the officer should obtain a certificate as follows :—

We do hereby certify that according to the best of our professional judgment, after careful personal examination of the case, we consider the health of *C D* to be such as to render leave of absence for a period of (*x*) months absolutely necessary for his recovery.

829-A. When a gazetted officer is recommended for leave on medical certificate in *Asia* for more than 3 months or leave for 3 months or less is extended beyond 3 months, the Medical Committee shall state, at the time of granting this certificate whether the officer should, or need not, appear before another Medical Committee for obtaining the certificate of fitness for return to duty, *vide* Article 225.

830. Before deciding whether to grant or refuse the certificate the Committee may, in a doubtful case, detain the applicant under professional observation during a period not exceeding fourteen days.

831. If the state of the applicant's health be certified by a Medical Officer, Commissioned or in charge of a Civil Station, to be such as to make it inconvenient for him to repair to the seat of the Government under which he is serving, or to any other place, the authority by whom the leave is granted may accept either—

- (1) a certificate signed by any two Medical officers, Commissioned or in charge of a Civil Station, who need not belong to the same province as the applicant; or
- (2) if the authority concerned considers it unnecessary to insist upon the production of two medical opinions, a certificate signed by an officer in medical charge of a Civil Station and countersigned by either the District Officer or the Commissioner of the Division.

832. The certificate obtained should then be submitted to Government for orders. The grant in Article 829 of the option of undergoing medical examination at the seat of the Government under which he is serving, or at any other place, does not confer on the applicant a right to proceed on leave without the sanction of the Government to which he is subordinate.

Medical Certificates—Non-gazetted Officers.

833. The procedure in regard to the production and acceptance of medical certificates in support of applications for leave by non-gazetted Government servants in superior or inferior service shall be—

- (a) in the case of Government servants serving in the territories administered by a local Government that prescribed by the

local Government for servants under its own administrative control;

(b) in other cases that prescribed in Article 834.

Provided that the form prescribed under Article 834 will be applicable to non-gazetted Government servants in superior or inferior service of the Government of India at Simla and Delhi.

NOTE.—[In the case of female officers, the Local Government may either dispense with the countersignature referred to in this Article or authorise such countersignature by doctors of their own sex.]

834. (a) Every application for leave on medical certificate made by a non-gazetted Government servant in superior or inferior service shall irrespective of the fact whether he is liable for general service or not be accompanied by a medical certificate in the form prescribed below this Article given by a registered medical practitioner defining as clearly as possible the nature and probable duration of the illness, or by a request for the issue of a requisition for examination by a medical officer of Government.

(b) The authority competent to sanction leave may, at its discretion, secure a second medical opinion by requesting the Agency, or Civil Surgeon to have the applicant medically examined. Should it decide to do so, it must arrange for the second examination to be made on the earliest possible date after the date on which the first medical opinion was given.

(c) It will be the duty of the Agency or Civil Surgeon to express an opinion both as regards the facts of the illness and as regards the necessity for the amount of leave recommended, and for this purpose he may either require the applicant for leave to appear before himself or require the applicant for leave to appear before a medical officer nominated by himself.

NOTE.—[The possession of a certificate as prescribed in this rule does not in itself confer upon the Government servant concerned any right to leave.]

Medical Certificate for non-gazetted officers and Government servants in the inferior service recommended for leave or extension or commutation of leave.

I, _____ after careful personal examination of the case hereby certify that _____ (whose signature or left hand thumb and finger impressions are given below) is suffering from _____ and I consider that a period

of absence from duty of _____ is absolutely necessary
for the restoration of his health with effect from.....

Dated

The

Signature and Designation of
Government medical attendant.

Signature with degree or diploma of
the private practitioner or if he is
a registered practitioner his Register
No.

Signature or left hand thumb
and finger impressions of the sick.

NOTE 1.—[The nature and probable duration of the illness should be specified.]

NOTE 2.—[This form should be adhered to as closely as possible, and should be filled in after the signature or left hand thumb and finger impressions of the applicant have been taken. The certifying officer is not at liberty to certify that the applicant requires a change to (or from) a particular locality, or that he is not fit to proceed to a particular locality. Such certificates should only be given at the explicit desire of the administrative authority concerned, to whom it is open to decide, when an application on such grounds has been made to him, whether the applicant should go before a Medical Board to decide the question of his fitness for service (*vide* paragraph 100, Regulations for the Medical Services of the Army in India).]

NOTE 3.—[In the case of female officers the local Government may either dispense with the countersignature referred to in this Article or authorise such countersignature by doctors of their own sex.]

Second medical opinion (if called for by the authority competent to sanction leave).

Agency or Civil Surgeon.

NOTE.—[Should a second medical opinion be required the leave sanctioning authority should arrange for the second medical examination to be made at the earliest possible date. The Agency or Civil Surgeon's opinion both as to the facts of illness, and the necessity for the amount of leave applied for, should be recorded. He may require the applicant to appear before him or before a medical officer nominated by him *vide* clauses (b) and (c).]

Medical Certificates—Gazetted and Non-gazetted Officers.

836. If the officer is going on leave out of India, he should take with him one copy of the medical report upon his case.

837. A duplicate of the medical report of an officer going on furlough on medical certificate or leave on medical certificate to Europe, North Africa, America, or the West Indies should be forwarded without delay direct to the Under Secretary of State for India, by the Local Government under which the officer is employed, for the information of the Medical Board attached to the India Office, so as to arrive as soon as the officer reaches his destination.

838. (a) An applicant for an extension or commutation of leave on medical certificate who is residing in Europe, North Africa, America, or the West Indies, must satisfy the Medical Board at the India Office as to the necessity for the extension or commutation.

Ordinarily he must attend at the India Office for examination at the Board; but, in special cases, particularly if he be residing at a distance of more than sixty miles from London, a certificate in a form to be obtained from the India Office and signed by two medical practitioners may be accepted. A certificate obtained outside England and signed by foreigners must be attested by consular or other authority as bearing the signature or qualified medical practitioners.

(b) An applicant for an extension or commutation of leave on medical certificate who is residing in any place out of India not mentioned in clause (a) of this Article, must submit with his application (which is to be submitted to the proper authority in India under Article 300) certificates from two medical practitioners in the following form:—

We hereby certify that we have carefully examined Mr. A. B. of the
 who is suffering from (the nature of the disease
 and the present condition of the officer must be fully detailed), and we
 declare upon our honour that according to the best of our judgment
 and belief, he is at present unfit for duty in India, and that it is absolutely necessary for the recovery of his health that his present leave
 which will expire in India on.....should be extended by.....
 months,
 weeks.

Date

Place

The certificate must be attested by the Principal Medical or other authority where the officer resides.

SECTION II.—GRANT OF LEAVE.

839. Leave may be granted with retrospective effect from the date on which it is admissible.

840. Unless specially otherwise ordered, leave must begin within thirty-five days of the date on which it is granted.

841. (a) After obtaining a report from the Audit Officer upon the title of an applicant who is a gazetted officer to the leave applied for, the Local Government may grant any leave admissible under the Regulations.

NOTE.—[For the purposes of this rule, Myooks and Junior Assistant Registrars in the Co-operative Department in Burma are treated as gazetted officers.]

(b) In the case of an officer who is not gazetted, leave may be granted by the authority whose duty it would be to fill up his appointment, if vacant.

The report of an Audit Officer is not required on the title to leave of an applicant who is not a gazetted officer.

(c) The Local Government may, with or without restrictions, delegate the power of granting leave to any officer who, in its opinion, can judge of the expediency of granting the leave and who can, without reference to higher authority, make the necessary arrangements for carrying on the absentee's duties during the leave. The Local Government may at any time withdraw powers delegated under this clause.

(d) An officer acting under clause (c) must, in the case of a gazetted officer, first obtain a report from the Audit Officer that the leave is admissible. If he grants the leave, he must communicate his orders to the Audit Officer by insertion in the Gazette or otherwise. In delegating its powers of granting leave in accordance with clause (c), the Local Government will decide whether in the case of gazetted officers, either the grant or the refusal of the leave should be reported to it.

842. A Local Government granting leave to a member of the Indian Civil Service on the Bengal, Madras, or Bombay Establishment serving out of his own Presidency, should inform the Government of India, Madras or Bombay, as the case may be.

843. Leave to an officer appointed by a High Court is granted by the Chief Justice, subject, in the case of gazetted officers, to the report of the Accountant-General that the officer is entitled to the leave.

844. Cancelled.

845. Cancelled.

SECTION III.—RULES REGARDING CHAPLAINS:

Church of England.

846. Subject to the exigencies of the public service, Local Governments are empowered, with the concurrence of the Bishop of the Diocese, to grant any Furlough or Special leave authorised by these Regulations to Chaplains serving within their respective jurisdictions. Priority of claim is determined in accordance with Article 303.

847. If a Chaplain who belongs to the Madras or Bombay Ecclesiastical Establishment, but is serving in the Bengal Presidency,

applies for Furlough or Special leave, the Local Government under which he is serving will, if it grants the leave, inform the Government of Madras or Bombay, as the case may be.

848. The Bishop of the Diocese is empowered to grant Privilege leave to Chaplains under Article 592, subject to the public exigencies, of which the Bishop shall be the judge. But the grant, cancelment, or extension of such leave should be reported to the Local Government concerned.

849. All applications for leave should be accompanied by a certificate from the Accountant-General that the leave asked for is admissible, and should, as a general rule, be forwarded, through the proper channel, to the Bishop of the Diocese, who will transmit applications for Furlough or Special leave, with his remarks to the Local Government concerned, and will himself dispose of applications for Privilege leave. In cases of urgency, leave on medical certificate may be granted by the Local Government in anticipation of the concurrence of the Bishop, who should, however, be informed without delay.

850. Except under orders of the Secretary of State, the term of Furlough or Special leave cannot be altered without the permission of the Government by which it was granted.

851. Every Chaplain who obtains leave shall supply himself with a last-pay certificate, and with a statement showing the allowances which he is entitled to draw while absent. These documents will be furnished by the Accountant-General (*see Chapter XLVI*), and no leave allowances will be payable without their production.

NOTE.—[If a Chaplain's term of twenty-five years' service expires (*see Article 601*) during his leave, or during the period to which it is stated that it may be extended, the fact should be noted on the last-pay certificate.]

852. A Chaplain shall report his return to duty to the Bishop, and to the Local Government by which his leave or furlough was granted.

853. Cancelled.

Church of Scotland.

854. (a) Leave of absence to a Chaplain of the Church of Scotland attached to a regiment, is granted in the same manner as to officers of the Corps with which he is serving, subject to the recommendation of the leave by the Presidency Senior Chaplain of the Church of Scotland.

(b) The leave of such a Chaplain appointed to a station, is granted by the Local Government and notified in the local Gazette.

(c) In the case of the Presidency Senior Chaplain of the Church of Scotland in Bengal, the leave should be granted by the Local Government and by the Government of India concurrently, and be notified in the local Gazette and in the *Gazette of India*.

SECTION IV.—*RULES REGARDING MILITARY OFFICERS.

855. (a) When Furlough or Leave or an extension of furlough or leave is granted to a Military officer in Civil employ, whether subject to the Civil or the Military Leave Rules, the Civil Audit Officer should intimate to the Account Officer in charge of the officer's record of pension service the date of the beginning and ending of the furlough or leave.

(b) After the Furlough or Leave has appeared in orders, the account officer in charge of the officer's record of pension service will, in the case of furlough to Europe, North Africa, America or the West Indies, forward to the Under Secretary of State for India a statement of the officer's service in the prescribed form. The statement is not required in the case of officers proceeding on furlough under the Staff or British Leave Rules.

855-A. Applications from Military officers in Civil employ who are subject to Military Leave Rules for privilege leave combined with furlough or other leave under the provisions of Note 2 to Article 606 of these Regulations should be submitted through the Civil Account Officer who audits the officer's salary, and the Civil Account Officer when forwarding the application to the Local Government should report on the applicant's title to the combined leave, after consultation with the Controller of Military Accounts in charge of the officer's record of pension service.

856. (a) An application for Furlough or Leave in or out of India under Indian Military Furlough or Leave Rules from an officer in permanent Civil employ or an officer holding an appointment in the Civil Department, the tenure of which is limited, should be submitted through the Account officer† in charge of the officer's record of pension service, who will forward it to the Local Government, stating the Furlough or Leave Regulations to which the officer is subject; and in addition—

- (i) if the applicant is subject to the Military Furlough Regulations of 1868 or 1875—the particular rule or rules of the Regulations under which the furlough is admissible;
- (ii) if the applicant is subject to the Leave Rules for the Indian Army—the year of service for pension he has entered upon, and the date on which that year commenced;
- (iii) if the application is for leave in India—the particular rule of the Regulations under which the leave is admissible.

(b) In the case of officers subject to the leave rules applicable to Regimental officers of the British Army serving in India and holding Civil appointments, applications for leave should be submitted direct to

* Officers in Civil employ who are subject to the Military Leave Rules are eligible for Privilege leave under the rules in Chapter XII of these Regulations.

† The Account Officer is defined in paragraphs 2, 3, 4 and 5 of the General Order in the Military Department No. 134, dated 8th February 1895, as modified by the General Order in that Department, No. 1080 of 1895.

the Local Government. The Controller of Military Accounts will, on application, furnish the civil auditors concerned with a certificate showing the rate of pay admissible during leave and how the leave may be extended or commuted.

(c) In the case of an officer in Civil employ proceeding on furlough under the Military Furlough Regulations of 1868 or 1875, the Account Officer in charge of the officer's record of pension service will furnish the Civil auditor concerned with the necessary certificate as in Form 1.

857. (a) After the Furlough or Leave has appeared in orders, the Local Government will, in the case of furlough on medical certificate or leave on medical certificate to Europe, North Africa, America, or the West Indies forward the medical statement of the officer's case to the Under Secretary of State for India.

(b) All reports of officers' arrival from, and departure on, furlough or leave in or out of India with dates of embarkation and debarkation, as well as those of being struck off or of resuming duty, should be forwarded to the Account Officer in charge of the officer's record of pension service.

(c) On the return of an officer from furlough or leave, it will be the duty of the Account Officer in charge of his record of pension service to satisfy himself that he has returned within his leave; and, if not, to report the case to the sanctioning authority.

858. When a Military officer subject to the Military Leave Rules applies for leave of absence on medical certificate, or proceeds to a seaport for the purpose of appearing before a Medical Board, he should communicate his intention to his immediate departmental superior when he sends in his application, or before he leaves his station, as the case may be.

859. An application from a Military officer subject to the Military Leave Rules for Special leave under Article 316, as it stood prior to 29th July 1920, should be submitted to the Local Government for sanction with a certificate from the officer in charge of the officer's record of pension service that he is entitled to it.

860. A Military officer subject to the Military Leave Rules proceeding on Furlough or Special leave, cannot obtain a last-pay certificate or a warrant, as the case may be, until he submits to the Audit Officer a certificate in Form 1 by the Account Officer in charge of his record of pension service.

Commissioned Medical Officers.

861. (a) An application for any leave except Privilege leave and leave on medical certificate from a Commissioned Medical officer in permanent or temporary Civil employment, should be submitted by the applicant, together with the Audit Officer's certificate, to the Local Administrative Medical Officer, by whom it will be forwarded to the Director-General, Indian Medical Service.

The Director-General will countersign the application if the state of the public service admits of leave being granted, and forward it to the Local Government. If the state of the public service does not admit of leave being granted, he will abstain from countersigning the application. On the application so countersigned, or from which countersignature has been withheld, the Local Government will be in a position to pass orders. The same procedure will be followed in the case of medical officers applying for extension of furlough on private affairs.

(b) An application for any leave except Privilege leave and leave on medical certificate from a Medical officer appointed by the Government of India should be forwarded, with the Audit Officer's certificate, through the Administrative Medical officer and Local Government, to the Department of the Government of India concerned, who, after consultation with the Director-General, Indian Medical Service, will pass the necessary orders.

NOTE.—[A Local Government granting leave or extension of leave to a Commissioned Medical officer in temporary Civil employ should communicate a copy of the order to the Director of Medical Services in India.]

Chapter XLV.—Payment of Leave Allowances.

862. (1) That portion of leave allowances which represents overseas pay drawn in sterling shall be paid in all cases in sterling [and unless the Government servant exercises the option under sub-rule (2) of drawing it in a Colony along with the balance of his leave allowance, the payment shall be made by the High Commissioner for India in London].

(2) Subject to the provisions of sub-rule (1), the payment of leave allowances shall be regulated as follows:—

Leave allowances are payable in India after the end of each calendar month; but an officer on leave out of India may at his option take payment at the Home treasury from the date of quitting India, or in the case of an officer who has quitted India during the Privilege leave portion of combined leave under Article 232 or during Privilege leave taken by itself, from the date of commencement of such Privilege leave; or if he proceeds to a Colony named in Appendix 15, he can take payment in such Colony. Any balance of leave allowances undrawn at the time that an officer returns to duty in India should be drawn there in rupees. In cases, however, where the non-drawal of leave allowances at sterling rates outside India is due to no fault of the officer concerned, the Government of India may authorise the undrawn allowances to be paid in India.

[1] This amendment takes effect from the 12th January 1937.

at such sterling rates, converted into rupees at such rate of exchange as the Secretary of State in Council may by order prescribe.

An officer having selected the country in which he desires to draw his leave allowances is permitted to change only once during any one period of leave.

NOTE.—[Notwithstanding anything in this Article, an officer who becomes entitled to the sterling maximum or minimum prescribed in Chapter XIII or XIV, but does not exercise the option to take payment outside Asia or having exercised the option does not actually take payment outside Asia, will draw the leave allowance in India at the sterling rate, converted into rupees at such rate of exchange as the Secretary of State in Council may by order prescribe.]

[¹] (3) Any leave salary drawn outside India shall be subject to deduction of Indian income-tax and super-tax at the rate which would have been applicable if that leave salary had been drawn in India.

Payment in India.

863. Except in the Military Works, Railway and Telegraph Departments, a gazetted officer on leave may draw his allowance at any treasury in India.

NOTE.—[For the purposes of this Article, Myooks and Junior Assistant Registrars in the Co-operative Department in Burma are treated as gazetted officers.]

864. If a gazetted officer signs his bill himself, he must either appear in person at the place of payment, or furnish a life certificate signed by a responsible officer of Government, or some other well-known and trustworthy person. If he draws his allowances through an authorised agent, the agent, whether he has or has not a power-of-attorney, must either furnish a life certificate as aforesaid, or execute a bond to refund overpayments. A life certificate may be given periodically, a bond being given to cover intermediate payments not supported by the life certificate.

NOTE.—[The proper stamp-duty upon bonds executed under this Article is that chargeable upon Indemnity Bonds according to the First Schedule of the Indian Stamp Act, II of 1899.]

865. The leave allowances of a non-gazetted officer on leave in India or on leave out of India when he desires to draw his allowances in India can be drawn only at the treasury where his salary is paid, and under the signature of the head of his office, who is responsible for any overcharges; no other security is required.

866. The payment of the leave allowances of officers and subordinates of the Railway Department and of officers of the Military Works Service and the Telegraph Department during leave in India is regulated by special Departmental rules.

[1] This sub-rule takes effect from the 1st April 1939.

Payment out of India.

867. An officer proceeding on leave out of India cannot draw his leave allowance at the Home or any Colonial treasury unless he is provided with a last-pay certificate or warrant in accordance with the rules laid down in Chapter XLVI.

868. Leave allowances expressed in rupees, if paid at the Home treasury or in a Colony where the standard of currency is gold, shall be converted into sterling at such rate of exchange as the Secretary of State in Council may by order prescribe.

869. The leave allowances of all officers are issued at the Home treasury monthly in arrear on the first day of each calendar month.

They are made up to the following quarterly dates, 31st March, 30th June, 30th September and 31st December, and they are paid in monthly instalments, the first two instalments in each quarter being the net amounts accrued, omitting shillings and pence, and the third instalment being the balance due for the quarter.

Payment is made—

- (i) to the officer on his personal application; or
- (ii) to his banker or other agent, duly authorised under power of attorney, on production of a life certificate, filled up and executed in the manner directed thereon (except in cases where proof of existence is not required owing to the banker having guaranteed the Secretary of State against loss consequent on his dispensing with the production of such proof); or
- (iii) on presentation of a draft, duly filled up and signed by the officer in a form which, with the requisite form of life certificate attached, may be obtained from the India Office, on the officer's written application.

Certificate of Leave.

870. Cancelled.

871. (a) An officer proceeding on leave to Europe, who does not intend to draw allowances from the Home treasury, should take with him a Certificate of Leave in Form 9 or 10, as the case may be, from the Audit Officer in whose circle of audit his appointment is held. If he visits England, this certificate is to be presented at the India Office.

1. A Military officer subject to the Military Leave Rules proceeding on leave cannot obtain the certificate in this Article until he submits to the Audit Officer a certificate in Form 1 by the Account Officer in charge of his record of pension service.

(b) If the officer afterwards desires to draw his leave allowances at the Home treasury or at some Colonial treasury, he must obtain a last pay certificate from the Audit Officer in whose circle of audit he was employed when he proceeded on leave.

872. An officer proceeding on Long Leave to North Africa, America, or the West Indies must take with him a certificate in the form prescribed in the preceding Article. If he visits England, or has some occasion to apply for an extension of leave, the certificate should be presented at the India Office. If not previously presented, it must be forwarded to the India Office when permission to return to duty is applied for.

873. An officer proceeding on Extraordinary leave without allowances to Europe, North Africa, America, or the West Indies must take with him a certificate of leave in Form 11 from the Audit Officer in whose circle of audit his appointment is held. If the officer visits England or has occasion to apply for an extension of leave, the certificate should be presented at the India Office. If not previously presented, it must be forwarded to the India Office when permission to return to duty is applied for. The Audit Officer should, when he issues this certificate, send a duplicate to the India Office.

Chapter XLVI.—Last-pay Certificates and Warrants.

SECTION I.—LAST-PAY CERTIFICATES.

874. Except as provided in Article 879, no officer can begin to draw his leave allowances at any treasury in India, or at the Home treasury, without producing a last-pay certificate from the Accountant-General of the Province to which he belongs.

NOTE.—[In cases of doubt as to the authority that is to issue the last-pay certificate, the Account Officer from whom the officer receives his pay when he goes on leave will issue the certificate after obtaining all necessary information from any other Account Officer that may be concerned.]

1. No demand certificates are not required by an officer going on leave.

875. Last-pay certificates (and warrants) cannot be issued to Military officers subject to the Military Leave Rules, until Article 860 has been complied with.

876. Except in respect to Colonial Warrants (Articles 888 to 891), this Section does not apply to Military Works and Railway officers whose last-pay certificates are issued under departmental rules.

Extensions and Commutations.

877. If the leave of an officer, whether in or out of India, is extended or commuted, the Audit Officer within whose jurisdiction the officer is employed must, on receiving advice of such extension or commutation, forthwith communicate it to the Audit Officer within whose jurisdiction his leave allowances are drawn. He should also communicate any other circumstances connected with the leave which may be required to be known to the Audit Officer who passes the officer's leave allowances.

Leave in India.

878. When an officer proceeds on leave from one place to another in India, he should obtain a certificate in Form 16 from the Accountant-General of his Presidency or Province. If during leave the officer desires to change the treasury at which he receives payment of his allowances, he must obtain a new last-pay certificate.

879. An officer on leave, who does not leave his district does not require a last-pay certificate: nor does an officer who leaves his district on leave in India without allowances.

Leave out of India.

880. When an officer proceeds out of India on leave with allowances, the Accountant-General who audits his pay will, as soon as the leave is gazetted or otherwise notified, send him a letter in Form 12 or 13 with enclosure in Form 14 or 15 as the case may be, requiring him to call at his office or give the necessary information.

881. If the officer calls at the Accountant-General's office, he will be paid up to the day before he leaves India, and will be given a last-pay certificate in Form 16 if he intends to draw his leave allowances at the Home treasury, and in Form 17 if he is proceeding to a Colony and intends to draw his leave allowances there.

NOTE.—[An officer who proceeds out of India during the Privilege leave portion of combined leave under Article 232 or during Privilege leave taken by itself, may be granted a last-pay certificate in view to the payment of his allowances at the Home treasury or in a Colony from the commencement of his Privilege leave. In that event, he must draw in India allowances due up to the date of giving up charge of his office.]

882. If the officer is unable to call at the Accountant-General's office the Accountant-General will prepare a bill for his allowances from the end of the month preceding that of his making over charge, to the day before he sails, and will (if the officer intends to draw leave allowances at the Home treasury or in a Colony) forward it with the certificate in Form 16 or 17 as the case may be, to the Treasury Officer, for delivery to the officer according to the instructions in Form 18.

NOTE.—[See Note under Article 881.]

883. With every such last-pay certificate a blank Form 19 will be given on which the officer will report to the Accountant-General, from the first port at which the vessel touches, the day of his departure from India.

884. When the Audit Officer delivers, or receives from the Treasury Officer a report in Form 20 that he has delivered, a last-pay certificate to the officer concerned, he will, if the certificate is in Form 16, forward a duplicate of the certificate to the India Office.

885. When the officer proceeding to England is compelled to leave without a last-pay certificate, the necessary document should be for-

warded to him, and a duplicate to the India Office, at the earliest possible date.

886. An officer proceeding to Europe should present his last-pay certificate at the India Office. When he returns to India, he should obtain a last-pay certificate from the India Office.

887. A last-pay certificate in Form 16—the 11th and 13th columns and the Notes below it being omitted—is required in the case of an officer proceeding on leave out of India whose leave allowances, payable in India, are required to be paid in a circle of audit other than that under which the officer's appointment is held. If change of treasury is at any subsequent time desired, a new last-pay certificate in the same form must be issued by the Accountant-General who last paid the allowances.

Colonial Warrants.

888. (a) An officer, including an officer of the Military Works or Railway Department (*see Article 876*), proceeding to a Colony should submit his last-pay certificate to the Comptroller,* India Treasuries, at Calcutta, or if he embarks at any port in the Province of Madras, Bombay, or Burma, to the Accountant-General, Madras, Bombay, or Burma, as the case may be.

(b) The Comptroller,* or the Accountant-General, as the case may be, will retain the last-pay certificate, and, in lieu thereof, issue a Warrant in Form 21 upon the Colonial authority concerned.

889. Every Warrant shall be issued in triplicate. The original, bearing the payee's signature, should be forwarded to the Colonial authority concerned, the duplicate to the Secretary of State, and the triplicate should be made over to the payee. Each payment should be endorsed on the back of both the original and the triplicate Warrant, an acknowledgment of receipt of money being rendered by the payee. When no space for such entries remains, or when a Warrant is lost or destroyed, a fresh Warrant shall be issued by the officer who issued the original Warrant, on application being made through the Colonial disbursing officer.

890. Upon his return to India an officer should deliver up his copy of the Warrant, which will serve the purpose of a last-pay certificate.

891. The Government of India recognise the proceedings of the Colonial authorities sanctioning the transfer of the payment of leave allowances from one Colony to another, but such transfer should be reported separately by the absentee to the Government of India and to the Under-Secretary of State for India.

NOTE.—[Articles 888 to 891 apply to Military officers subject to the Military Leave Rules.]

* Now styled Accountant General, Central Revenues (at New Delhi).

Copy of Rules to be furnished.

892. Every officer going on leave out of India should procure from the Account Office and take with him a copy of the "Memorandum of information issued for the guidance of officers proceeding on leave (other than Privilege leave taken by itself) out of India."

SECTION II.—RULES FOR PREPARING LAST-PAY CERTIFICATES.

893. In Forms 16 and 17 it should be stated to which Presidency an officer belongs, in which Presidency or Province he is employed, and whether the absentee allowance is chargeable to the Civil or the Military Department.

894. *Cancelled.*

895. Except in the case of Chaplains, allowances should be stated in rupees and not in pounds; and in entering "the rate of absentee allowances," it should be stated, in the first place, without reference to the maximum or minimum applicable, and then, if a maximum or minimum applies or if the allowance is such that a future change in the rate of exchange may render a maximum or minimum applicable, the words should be added, "subject to a maximum (or minimum) of....., etc."

896. In Form 16 it must be shown whether an officer is entitled to the full amount of Furlough permitted by the rules.

NOTE.—[See Note under Article 851.]

897. In column 11 in Forms 16 and 17, the Articles of these Regulations or of the Military Furlough Regulations under which the advance is made should be mentioned.

Amended Certificates.

898. (a) Every corrected last-pay certificate whether original or duplicate should be marked "Amended Certificate". If it becomes necessary to amend a last-pay certificate in Form 16, it should be done by the use of a short corrigendum worded so as to show only the particular item or items in which alterations have been made; this corrigendum should be forwarded by the Accounts Officer at the earliest possible date direct to the India Office.

(b) The last-pay certificate is issued on the assumption of the correctness of the intended dates of making over charge and of leaving India. If these dates are changed, the required adjustment of allowances will be made when the officer returns to India, or, if necessary, sooner. No alteration may be made in the certificate as issued by the Accountant-General unless there is time to send it to him for alteration.

(c) In all cases of leave exceeding four months in duration in which an officer elects to draw his leave allowances at the Home treasury, an amended last-pay certificate should be sent to the India Office whenever the amount of leave allowances entered in the original last-pay certificate requires correction, unless the officer is known to have started on his return to India. If the amended last-pay certificate arrives too late at the India Office, it will be returned to the issuing officer in India.

Source from which Absentee Allowance is payable.

899. In making entries against the heading "Source from which," etc., the term "Indian Revenues" should be used in all certificates intended to be sent to England, as the term "Imperial Revenues" has there a different signification. If the allowance is not chargeable finally to the Government of India, the Local Administration or Fund from which it is recoverable must be expressly stated.

900. When leave allowances are chargeable according to the Rule of proportions, the following is the service to be thus taken into account :—

(a) *Privilege Leave, under Articles 246 to 278 :—*

Privilege leave; duty without interruption for a period eleven times as long as the Privilege leave.

(b) *Long Leave, European and Indian Services, under Chapters XIII and XIV :—*

Furlough on Medical certificate; the whole continuous service.

Furlough without Medical certificate; the whole continuous active service.

(c) *Military Furlough Regulations of 1868 :—*

Furlough without medical certificate—

First two years (Rule IX); actual service in India for eight years.

The rest; actual service in India for six years.

(d) *Military Furlough Regulations 1875 :—*

Furlough without medical certificate (Rule 1); proportion of service in India or under the Government of India taken into calculation in the grant of furlough.

(e) *Leave Rules for the Indian Army :—*

All leave; the whole pensionable service; but in this case, in calculating the charge to be borne by a Foreign and the British Government, the period of service, and not the aggregate salary drawn is taken into account.

(f) *Long Leave, Statutory Civil Servants, under Chapter XXVI :—*

Leave on private affairs; service for six years.

Furlough—

First year; service for ten years.

Second year; service for eight years.

More than one year; service for eighteen years.

(g) *Other cases :—*

In unenumerated cases the whole service in India is counted.

Arrears of Indian Pay and Allowances.

901. No entries in regard to arrears of Indian pay and allowances due to an officer proceeding on leave or on retirement to Europe should

be made in his last-pay certificate. Such allowances are not paid at the Home treasury.

Completion of Service.

902. The date on which any officer will, during the currency of leave complete the term of service, or attain the age after which by any rule he is required to retire from the service, should be shown.

Civil Fund Deductions.

903. (a) The Secretary of State recovers subscriptions on account of the different Civil Funds from subscribers absent from India on leave who draw their leave allowances in England, who either are required by the rules of their Fund to pay their subscriptions in that country during leave, or elect to do so. Particulars of the Fund deductions to be made from the absentee allowances of officers on leave drawing their leave allowances in England should be noted on the last-pay certificates; and where a subscriber elects to make payments of his subscriptions in India while on leave, or to postpone such payments until his return to India, the fact should also be noted on the last-pay certificate. The rules under which the deductions are made, and the method by which they are calculated in the cases of the different Funds will be found in Articles 557 to 560.

(b) The four per cent. deductions to which the allowances of a member of the Indian Civil Service are subject while he is on leave should invariably be stated in his last-pay certificate. (*See Article 556*).

904. *Cancelled.*

PART X.—PROCEDURE RELATING TO PENSIONS.

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PART X.—PROCEDURE RELATING TO PENSIONS.

Chapter XLVII—Applications for and Grant of Pensions.

SECTION I.—APPLICATIONS.

905. The rules in this Chapter apply to all officers applying for pension under these Regulations except—

- (a) Members of the Indian Civil Service—(*Chapter XLIX*);
- (b) Chaplains—(*Chapter L*);
- (c) Judges of the High Courts, for whom no special procedure is laid down.

906. There is no limitation on the period after retirement within which an application for pension or gratuity must be submitted; but apart from special orders, a pension applied for after the officer has retired begins from the date of application. (*See also Article 930.*) An officer may be admitted to pension while absent on leave whether in or out of India.

Non-Gazetted Officers—Preliminary Verification.

907. (a) An applicant for pension, not being a gazetted officer, should submit to the authority whose duty it would be to fill up his appointment, if vacant, a statement of his services in Form 24. If such authority is not the head of the office, the statement should be submitted through the latter officer who in forwarding it will attach thereto the service book of the applicant.

NOTE.—[For the purposes of this Article, Myooks and Junior Assistant Registrars in the Co-operative Department in Burma are treated as gazetted officers.]

(b) An officer may submit this statement even though he has not ceased to be borne on the establishment, provided that, before it is sent to the Audit Officer, the authority receiving it certifies that the officer is likely, within six months, to retire from the public service.

(c) The provision in clause (b) is intended to obviate delay in the verification of service, and to ensure that an officer does not retire under the misapprehension that he has earned a pension which is subsequently found by the Audit Officer to be inadmissible; it should be followed in all cases. It does not, however, justify the preparation of the formal application in Form 25 before the officer has actually retired.

908. The authority receiving the statement should then proceed to verify the services claimed according to the following procedure:—

- (a) If the service has been wholly or in part Inferior (regarding which service the records of the Audit offices are sometimes incomplete), he should first gather from official records

and other sources all the information procurable. In respect to Superior service, it will be sufficient to gather, in the first place, only such information as is easily procurable.

- (b) The information thus received should then be forwarded to the Audit Officer concerned for comparison with his office records of the applicant's statements.
- (c) If there be any discrepancy, the Audit Officer will detail the nature of such discrepancy; for instance, that the post which the applicant states that he filled during a certain period is shown by the Audit office registers to have been filled by another man.
- (d) If the service claimed cannot be wholly verified from the records of the Audit offices, reference must be made to the head of the office in which the applicant states that he served during the period in doubt.
- (e) If it be found impossible to verify the service otherwise, the officer receiving the application should take the statement in writing of the applicant on plain paper [*see Indian Stamp Act, II of 1899, Schedule I, No. 4 (c)*], and should also collect such collateral evidence as may be procurable; for instance, certificates, such as those given by an officer to a subordinate on his leaving an office and the testimony of contemporary servants.

NOTE 1.—[The power to admit service verified under this clause may be exercised by all subordinate authorities who are empowered to sanction pensions under the rules.]

NOTE 2.—[“The Governor-General in Council has recently had under consideration a case in which a public officer, the head of a department, in granting a certificate to one of his subordinates, suppressed the true reason for which the subordinate had been removed from his appointment. Such an omission may obviously be injurious to the interests of the public service. I am therefore directed to draw attention to the subject, and to request the issue of orders to all public officers, warning them to be careful, in giving certificates to their subordinates to state the whole truth in respect of character and cause of dismissal or resignation of appointment.”—(*Circular, Home Department, dated 15th June 1869.*)]

909. In the case of a gazetted officer, part of whose service has been rendered in non-gazetted appointments, the ungazetted portion of his service should be similarly verified. The statement mentioned in Article 907 (a) may, however, be sent to the Audit Officer direct or through the head of the department.

Formal Application.

910. After completing the verification in the manner prescribed in the preceding Article, the authority receiving the statement of services of a non-gazetted officer should draw up the application in Form 25, and arrange with it all the documents relied upon for verification of the

service claimed, in such manner that they can be conveniently consulted, and then forward it, together with the officer's Service Book, with the statement, in Form 24 duly completed up to date, through his official superiors to the Audit Officer. If an applicant for pension (not gratuity) is no longer in active service, a last-pay certificate should be attached to the application, except when he retires from the service while on leave in England and desires to draw his pension in England.

911. (a) The officer who submits the application should certify on the application whether the character, conduct, and past services of the applicant are such as to entitle him to the favourable consideration of the Government. If the application is for pension on the Superior scale, he must be careful to enter all periods of leave, suspension, etc., which are not reckoned as service.

(b) He must also invariably record his own opinion whether the service claimed has been established, and should be admitted or not; more especially in those cases in which it becomes necessary to resort to the procedure prescribed by clause (e) of Article 908, when the exact nature of the investigation made, and the conclusion at which the authority has arrived, must be especially reported.

(c) If the application is for an Invalid pension, and the applicant is less than sixty years old, the requisite medical certificate should be attached to the application. But if omission has been made in this respect, the authority having the power to sanction the pension may accept a certificate bearing a later date.

912. *Cancelled.*

913. (a) A gazetted officer should submit his application through his official superiors and the Audit Officer to the Local Government or other authority empowered to sanction the pension.

NOTE.—[For the purposes of this Article, Myooks and Junior Assistant Registrars in the Co-operative Department in Burma are treated as gazetted officers.]

(b) The application of a gazetted officer of the classes mentioned in Article 297 (c), (d) and (e), as it stood prior to 6th July 1920, and in Articles 654 and 678, whether appointed by the Secretary of State or not, should be prepared in Form 26. In the case of other gazetted officers the application should be prepared in Form 25 either by the officer himself or by the head of his department; and the rules in Article 910 apply, save that it is not necessary, if all the service has been gazetted to have the service formally verified before forwarding the application.

Submission to Government.

914. (a) The last officer through whom the application passes should send it to the Audit Officer, who will (after verifying the service in the

manner prescribed in Article 908 or satisfying himself that it has already been so verified) submit the application to the Local Government or other authority empowered to sanction the pension with a report upon the claim for pension and the rules applicable to the case.

In the case of officers whose service has been partly gazetted and partly non-gazetted, the verification statement prepared in the Audit office should be attached to the application on its submission to the sanctioning authority.

(b) The Audit Officer will also certify the correctness of the calculations of service and of pension, and retain the last-pay certificate (Article 910) unless the pension is to be paid in another circle of audit, in which case he will forward the certificate to the Audit Officer of that circle, along with a copy of the order sanctioning the pension.

1. If the case is plainly incorrect or incomplete, the Audit Officer should return it for correction or explanation.

2. In the column of Form 24 reserved for the remarks of the Audit Officer, or in his certificate and report on the third page of Form 26, he should note briefly his reasons for disallowing any service claimed, and his explanation of any apparent discrepancies, and the like.

3. The Audit Officer should always call special attention to Article 470 in his report of the amount of pension admissible.

914-A. (a) When a non-gazetted officer for whom a service roll is maintained under Article 817 retires, the officer who maintains the service roll should proceed to verify the services of the claimant with reference to office copies of pay bills, acquittance rolls or other relevant records. [The procedure laid down in Article 908 (e) may also be adopted when necessary.] He should then prepare a certificate of verification, referring briefly to the documents relied upon, in support of the service claimed. He will then draw up the application in Form 25, and forward it together with the officer's service roll, the statement in Form 24, and the certificate of verification supported by necessary papers, through his official superiors to the authority empowered to sanction the pension. If the applicant for pension is no longer in active service, a last-pay certificate should also be attached to the application. The authority competent to sanction the pension may sanction it before submission of the pension papers to the Audit Office, provided that the claim in each case is for the period of continuous and verified service and the pension is clearly admissible under the strict letter of the rules. All doubtful claims should, however, be kept pending until they have been certified to be admissible by the Audit Officer.

(b) The Audit Officer will, on receipt of the pension papers, exercise the necessary check on the basis of the facts entered therein and also with reference to the relevant rules. If the claim is in order and has already been sanctioned by competent authority, he will arrange for

its payment forthwith. In other cases, he will follow generally the procedure laid down in Article 914 (b).

NOTE 1.—[The above procedure is also applicable *mutatis mutandis* to runners, boatmen and coolies in the Post Office, referred to in Article 817, for whom neither service books nor service rolls are required to be maintained.]

NOTE 2.—[In the case of Police officers of rank not higher than head constables the procedure laid down in entry No. 40 in Part III of Appendix I will be followed.]

Premature Applications.

915. Questions affecting the pension or pensionable service of an officer the decision of which depends on circumstances known at the time should be considered as soon as they arise.

Any abstract questions, or questions the decision of which depends on possible circumstances that may arise in future or on hypothetical conditions should not be raised or discussed until the officer concerned retires or is about to retire.

916. Except under orders from the Government of India or the Local Government, an Audit Officer should, as a rule, decline to advise upon any questions connected with the claim of an officer to pension until he retires or is about to retire.

917. *Deleted.*

SECTION II.—POWERS OF SANCTION.

918. A pension which is certified by the responsible Audit Officer to be clearly and strictly admissible under rule may be sanctioned—

(a) in any case by the Local Government.

(b) in the case of non-gazetted officers, by the officer who has the authority to fill the appointment vacated by the retiring officer.

NOTE 1.—[A Local Government may delegate its powers under this Article to Heads of Departments and other subordinate officers who are authorised to fill the appointment vacated by the retiring officer.]

NOTE 2.—[In cases in which an officer, who has the power under clause (b) of this Article or under a delegation made in accordance with Note 1 to sanction a pension, records on the application, or on the letter forwarding the application, his recommendation that the pension claimed should be admitted, the Audit Officer should, on finding the claim in order, forthwith issue the necessary pension payment order and intimate his having done so to the authority concerned.]

919 and 920. *Cancelled.*

921. (See Appendix I, Part III, Entry 40.)

922. Should the amount granted to an officer be afterwards found to be in excess of that to which he is entitled under the Regulations, he will be called upon to refund such excess.

923. (a) If any interpretation of the rules is involved, or if any indulgence not provided for by the rules is proposed, the Local Government should submit the case, with its opinion and recommendation, to the Government of India in the Administrative Department concerned.

NOTE.—[In respect to such recommendations, see orders printed as Appendix 9.]

(b) Until the orders of the Government of India are received a recommendation for any special indulgence should never be communicated, directly or indirectly, to the officer concerned.

(c) The Governments of Madras and Bombay should, upon questions of pension, communicate with the Secretary of State, through the Government of India.

(d) An application in Form 25 (together with the statement in Form 24) or 22, as the case may be, should accompany every special recommendation made under this Article.

924. (a) Pensions in excess of the amounts admissible under these Regulations or involving any relaxation of rule, require the sanction of the Secretary of State.

NOTE.—[See Note under clause (a) of the preceding Article.]

(b) The Government of India have, however, been authorised to grant pensions up to a limit of Rs. 25 a month, or gratuities not exceeding the equivalent value of that amount, without reference to the Secretary of State, in any case, even where no pension or gratuity is admissible under rule, provided that the general spirit of the Regulations is observed. Provincial Governments exercise similar powers in respect of officers serving under them.

(c) When special circumstances appear to justify a departure from the rules laid down regarding "ordinary pensions" to Civil officers, it is generally desirable that the allowance granted should be an arbitrarily fixed sum, rather than any exact proportion of the amount to which it might be supposed that the rules afford a claim.

SECTION III.—ANTICIPATORY PENSIONS.

925. (a) When an officer whose pension is payable in India retires before the necessary enquiries preliminary to the settlement of the amount of his pension can be completed, the Audit Officer may, upon a declaration, as follows, by the officer, sanction the immediate disbursement of the pension to which, after the most careful summary investigation that he can make without delay, he believes the officer likely to be entitled:—

Declaration.—Whereas the (here state the designation of the officer sanctioning the advance) has consented, provisionally, to advance to me the sum of Rs. a

month, in anticipation of the completion of the enquiries necessary to enable the Government to fix the amount of my pension, I hereby acknowledge that, in accepting this advance, I fully understand that my pension is subject to revision on the completion of the necessary formal enquiries, and I promise to base no objection to such revision on the ground that the provisional pension now to be paid to me exceeds the pension to which I may be eventually found entitled. I further promise to repay any amount advanced to me in excess of the pension to which I may be eventually found entitled.

(b) If the Audit Officer thinks it likely that the officer would be found entitled to a gratuity only, one-sixth of the amount of such probable gratuity may, upon a similar declaration, be disbursed to him monthly until the amount is finally settled.

(c) The settlement of such provisional payments should be made so as to admit of their disbursement not later than one month after the officer has ceased to hold his post.

(d) When the sanction under this Article is given by an Audit Officer other than the Accountant-General, he shall send a copy of his order to the Accountant-General, for the issue of the requisite orders for disbursement from the treasury concerned.

926. When an officer whose pension is payable in England retires before the necessary enquiries preliminary to the settlement of the amount of his pension can be completed, the Audit Officer, if he sees reason to believe that there will be delay before the pension can be finally sanctioned, should, after the most careful summary investigation that he can make without delay, report to the authority who will sanction the pension, the minimum amount to which he believes the officer to be entitled. This report should be forwarded at once to the High Commissioner for India by the Local Government by which the pension will in due course be sanctioned. The High Commissioner will then, on receiving from the officer a declaration similar to that in Article 925, at discretion, sanction the immediate disbursement of the amount of pension reported to be the minimum likely to be admissible, or such smaller amount as may be deemed proper. The final pension certificate in due form should follow the provisional certificate with the least possible delay.

927. (a) If, upon the completion of the regular investigation, it be found that the pension thus summarily assigned differs from the pension finally settled, the difference must be adjusted in the first subsequent payments.

(b) Provided that, if a gratuity summarily assigned under Article 925 proves to be larger than the amount found actually due upon completion of the enquiries, the officer shall not be required to refund any excess actually paid to him, except as provided in Chapter XXI.

928. (a) To enable the Audit Officer to exercise the jurisdiction thus entrusted to him, the head of the office or department from which the officer is removed should furnish to the Audit Officer, as soon as possible after it becomes known to him that the officer must retire, and without waiting for his actual retirement, the fullest information

that can be obtained regarding the officer's service, without correspondence which must cause delay.

(b) This information is to be furnished in anticipation of the regular investigation required by Article 908 or 909, which also should on no account be delayed until the officer has actually retired.

929. All officers should bear in mind that delay in the payment of pensions may involve peculiar hardship, and everything should be done to prevent or shorten to the utmost, such delays.

Chapter XLVIII.—Payment of Pensions.

SECTION I.—GENERAL RULES.

930. Apart from special orders, a pension, other than a Wound or Extraordinary pension under Part VI, is payable from the date on which the pensioner ceased to be borne on the establishment, or from the date of his application, whichever is later. The object of this latter alternative is to prevent unnecessary delay in the submission of applications. The rule may be relaxed, in this particular, by the authority sanctioning the pension when the delay is sufficiently explained.

1. The pension of an officer who, under Article 436, has received a gratuity in lieu of notice is not payable for the period in respect of which the gratuity is paid.

931. The preceding Article applies to ordinary, not to special, cases. If, under special circumstances, a pension is granted long after an officer has retired, retrospective effect should not be given to it without the special orders of the Government which granted it; in the absence of special orders such a pension takes effect only from the date of sanction.

932. In cases where considerable delay has occurred in making application for a Wound or Injury pension, it will be granted only from the date of the report by the Medical Board, and no application for a gratuity or pension will be entertained unless submitted within five years of the date of the wound or injury.

933. When a pension is stated in Rupees, it is payable at any treasury in India, or, at the pensioner's option, at the Home treasury.

933-A. When a pension is stated in sterling, it is payable at the Home treasury, or, at the option of the pensioner, if he be residing in India, at any treasury in India, converted into rupees at such rate of exchange as the Secretary of State in Council may by order prescribe :

Provided that pensioners of the following classes may, at their option, convert their pensions into rupees at the rate of 1s. 4d. to the

rupee as long as they are in India or Burma¹ and continue to have their permanent residence there :—

- (i) Pensioners resident in India or Burma,¹ who were on the 1st February 1921 in receipt of pensions converted at that rate.
- (ii) Pensioners of Indian domicile who were, on the 1st February 1921 temporarily drawing their pensions in sterling.
- (iii) Pensioners who were in Government service on the 1st February 1921, and who at that date were of Indian domicile.

Provided further that the pension of any pensioner referred to in clauses (i), (ii) or (iii), who has commuted any portion of his pension after the 10th day of October 1928, shall be converted at the rate of exchange prescribed by the Secretary of State in Council as hereinbefore provided, and to the resulting pension shall be added, so long as he is in India or Burma¹ and continues to have his permanent residence there, the difference between the values of the full sterling pension *(less any portion commuted before the 11th October 1928) converted at that rate and at the rate of 1s. 4d. respectively.

934. Pensions granted in rupees, which are drawn at or through the Home treasury or in a Colony in which the Indian Government rupee is not legal tender, are converted into sterling at such rate of exchange as the Secretary of State in Council may by order prescribe, subject to a minimum rate of 1s. 9d. per rupee.

†Provided that the pension of any pensioner who is entitled to the minimum rate of 1/9d. under this Article and who has commuted any portion of his pension after the 4th of December 1928 shall be converted at the rate of exchange prescribed by the Secretary of State in Council as hereinbefore provided, and to the resulting pension shall be added, so long as he is entitled to the minimum rate of 1/9d. the difference between the values of the full pension† (less any portion commuted before the 5th December 1928), converted at that rate and at the rate of exchange prescribed by the Secretary of State in Council as hereinbefore provided, respectively.

The rate of exchange for pensions of pilots of the Bengal Covenanted Pilot Service in service prior to the 30th August 1883 is subject to a minimum of 1s. 11d. per rupee.

NOTE 1.—[This rule also applies to the issue of gratuities of persons residing in any country in which the rupee is not legal tender; but when the service of an

¹ The words 'or Burma' wherever they occur in Article 933-A have been inserted by the Secretary of State and take effect from the 1st April 1937.

* () The words in brackets occurring in the second proviso to Article 933-A take effect from the 22nd January 1929.

† The proviso to Article 934 takes effect from the 4th December 1928 and the words in brackets occurring in this proviso take effect from the 22nd January 1929.

officer to whom a gratuity is granted terminated in India, the gratuity should be paid in India.]

NOTE 2.—[When the minimum rate of exchange comes into operation, the following concessions apply :—

- (i) Ordinary, a pensioner who has been residing in India or other country in which the Indian Government rupee is legal tender, and who proceeds to a country in which the rupee is not legal tender, is entitled to draw his pension from or through the Home treasury at the minimum rate of 1s. 9d. the rupee from the date only when he quitted the former country. But a pensioner who leaves India within six months of his retirement and proceeds to a country in which the rupee is not legal tender is entitled to draw his pension from or through the Home treasury at the minimum rate of 1s. 9d. the rupee from the date to which it has been paid in India or, if no payment has been made there, from the date of its commencement.
- (ii) A pensioner who has been drawing his pension at the minimum rate of 1s. 9d. the rupee, if he proceeds to a country in which the rupee is legal tender and continues to draw his pension from the Home treasury, is allowed the benefit of that minimum rate for six months from the date of his arrival in such country.]

NOTE 3.—[In the event of a case arising which appears not to be covered by the foregoing rules, reference must be made to the Secretary of State.]

NOTE 4.—[On warrants issued to persons drawing pensions stated in rupees, it should be noted whether payment is subject to the minimum rate of 1s. 9d. the rupee.]

935. The rule in Article 934 applies to an officer under covenant who is entitled by his covenant to pension; the covenanted rate of exchange for his pay and allowances does not, unless it is expressly so stated, apply to his pension.

Transfers between England and India.

936. Transfer of a pension from an Indian treasury to the Home treasury and *vice versa* is permitted within reasonable limits whenever desired.

NOTE.—[Frequent transfers of a pension to and fro are not permissible, and the Accountant-General concerned should report to the Government of India, for special orders, any case in which it appears to him that undue advantage is being taken of the rule.]

937. Application for transfer of payment from India to the Home treasury should be made to the Accountant-General within whose jurisdiction the treasury of payment is, who will grant a last-pay certificate, forwarding a duplicate, with a copy of the first page of the application upon which the pension was originally granted, to the High Commissioner for India.

SECTION II.—PAYMENT IN INDIA.

938. (a) The order granting a pension to be paid in India should be forwarded with a copy of the first page of the application in Form 25 or 26, or of the whole application if in Form 22, to the Audit Officer

who submitted the application. He should compare the order with his report and then forward a copy thereof to the Accountant-General of the province in which payment is to be made.

(b) In the case of persons for whom the forms referred to in clause (a) are not used, the information required for the Pension Payment Order should be communicated in a separate letter to the Accountant-General of the province where payment is to be made.

(c) In the case of pensions to Police officers of rank not higher than head-constable, sanctioned under entry No. 40 of Appendix I, Part III, the order should be forwarded to the Audit Officer who would have reported on the claim had his certificate not been dispensed with. He will exercise the necessary check with reference to Article 922 and endorse it as in clause (a) above.

939. The Accountant-General of the province in which payment is to be made will then communicate to the officer who is to pay the pension authority to make the payment : in the case of a pension, such authority will be a Pension Payment Order in Form 27 or 28 or (in the case of Presidency payments) Forms 27-I or 28-A.

NOTE 1.—[Form 27 may not be used for pensions chargeable to Local Funds other than those which up to 1st April 1908 were treated as incorporated (*see Article 800*) or Indian States. The following extract from a letter from the Government of India indicates the form of Pension Payment Order to be used and procedure to be followed when a treasury is authorised to pay a pension on behalf of an Indian State :—

"I am directed to say that if an Indian State desires a periodical payment to be made from a Government Treasury, the amount being recovered from the Indian State, there is no objection to the request being granted with the sanction of the Local Government, provided the amount of each payment is not less than Rs. 100, and provided that the treasury at which payment is desired is under the Government which is in political connection with the Indian State concerned. Such payments will be made by Government merely as an agent for the Indian State.

"When such payments on account of pensions are arranged for, the form of payment order should not be the same as that used for pensions payable from Indian Revenues. The order should be of the same kind as the ordinary Pension Payment Order, but should be clearly distinguished in form."

NOTE 2.—[Each pension payment order will be accompanied by Form 27-A intended to be delivered by the Disbursing Officer to the pensioner concerned for use as a wallet for the pensioner's half of the Pension Payment Order.]

Procedure in paying.

940. A gratuity is paid in a single sum, and not by instalments, on receipt of the Accountant-General's authority.

941. (a) A gratuity may, at the discretion of the Government of India, or with the sanction of the Government of India on the application of the recipient, be converted either into a life annuity, or into a temporary life annuity, or into an annuity payable for a fixed number of years with remainder to the annuitant's heirs in case of his death. The

amount of the life annuity will be determined by the table prescribed by the Governor General in Council under the 'Civil Pensions (Commutation) Rules', while that of the temporary life annuity will be determined in each case in consultation with the Actuary to the Government of India on the assumption of the same rates of interest and mortality on which the table prescribed by the Governor General in Council under the 'Civil Pensions (Commutation) Rules' is based.

(b) A Local Government may exercise the power of the Government of India under clause (a) of this Article in respect of gratuities sanctioned by it or by an authority subordinate to it.

942. The Government of India or a Local Government will never insist on the conversion of a gratuity into an annuity, unless the expectation of life of the officer be reported by competent medical authority to be equal to the average.

943. A pension is payable in India monthly on and after the first day of the following month under the following rules:—

1. On receipt of the Pension Payment Order, the disbursing officer will deliver one half to the pensioner, and keep the other half carefully in such manner that the pensioner shall not have access thereto.

2. Each payment made is to be entered on the reverse both of the pensioner's half and of the disbursing officer's half of the Pension Payment Order, both entries being attested at the time of payment by the signature of the disbursing officer.

3. With reference to Articles 956 and 957, a pension should, under no circumstances, be paid for the first time in arrears for more than one year without special orders of the Local Government.

NOTE.—[The Local Government may delegate its powers under this rule to Commissioners of Divisions and to such other officers as it may desire.]

4. A pension is payable for the day on which the pensioner dies.

5. In regard to the liability of pensions to attachment by a Civil Court, see section 11 of Act XXIII of 1871, which runs as follows:—

Section 11.—"No pension granted or continued by Government on political considerations, or on account of past services or present infirmities or as a compassionate allowance, and no money due, or to become due, on account of any such pension or allowance, shall be liable to seizure, attachment or sequestration by process of any Court in British India at the instance of a creditor, for any demand against the pensioner, or in satisfaction of a decree or order of any such Court."

Identification of Pensioner.

944. As a rule a pensioner must take payment in person after identification by comparison with the Pension Payment Order.

NOTE.—[Officers of the classes mentioned in Article 297 (c), (d) and (e), as it stood prior to 6th July 1920, and in Articles 654 and 678, whether appointed by the Secretary of State or not, are, when pensioned, paid on payment orders in Form 28 which do not contain a full description of the payee. In case of doubt, if such a pensioner is not known to the paying officer, he may be required to produce a life certificate or other evidence of identity.]

945. A pensioner specially exempted by the Local Government from personal appearance, a female pensioner not accustomed to appear in public, or a male pensioner who is unable to appear in consequence

of bodily illness or infirmity, may receive his or her pension upon the production of a life certificate signed by a responsible officer of Government or by some other well-known and trustworthy person.

NOTE.—[The power to grant exemption under this Article from personal appearance to draw pension may be delegated by a Local Government to any officer of not lower rank than Collector of a District.]

946. A pensioner of any description, who produces a life certificate signed by some person exercising the powers of a Magistrate under the Criminal Procedure Code, or by any Registrar or Sub-Registrar under the Registration Act, or by any pensioned officer who before retirement exercised the powers of a Magistrate, or by a Chaplain or any gazetted officer of Government, or by a Munsiff or a Judicial Myook in Burma, or by any person holding a Government title, is also exempted from personal appearance.

947. (a) In all cases referred to in Articles 945 and 946, the disbursing officer must take precautions to prevent impositions, and must, at least once a year, require proof independent of that furnished by the life certificate of the continued existence of the pensioner.

(b) For this purpose he should (save in cases of exemption from personal appearance granted by the Local Government) require the personal attendance and due identification of all male pensioners who are not incapacitated by bodily illness or infirmity from so attending, and in all cases where such inability may be alleged, he should require proof thereof in addition to the proof submitted of the pensioner's existence.

1. The disbursing officer is personally responsible for any payment wrongly made. In case of doubt, he should consult the Accountant-General.

2. A pensioner of rank may be privately identified by the disbursing officer and need not be required to appear at a public office.

948. Payment of pensions to Police pensioners are made in accordance with the rules in this Section, but if the disbursing officer entertains any doubt as to the identity of such a pensioner, he may require the local Inspector of Police to identify him. The Inspector would then be responsible for the correct identification of the pensioner.

Payment to Agents.

949. (a) A pensioner not resident in India may draw his pension at any treasury in India through a duly authorised agent, who must either produce a certificate by a Magistrate, a Notary, a Banker, or a Minister of religion, on each occasion, that the pensioner was alive on the date to which his pension is claimed, or execute a bond to refund overpayments and produce such a certificate as aforesaid at least once a year.

(b) A pensioner of any description resident in India is exempted from personal appearance if he draws his pension through a duly authorised agent approved by the Local Government, who must execute a

bond to refund overpayments and produce at least once a year a life certificate signed by any of the persons authorised by Article 946 to sign such certificates.

(c) The pension of an officer drawing his pension through an agent who has executed a bond to refund overpayments should not be paid on account of a period of more than a year after the date of the life certificate last received and the Accountant-General and the disbursing officer should be on the watch for authentic information of the decease of any such pensioner, and on receipt thereof, should promptly stop further payments.

Transfers in India.

950. A Local Government or an Accountant-General may, on application and on sufficient cause being shown, permit transfer of payment from one treasury in India to another. This jurisdiction may be delegated by the Local Government to any Executive authority not lower than the Collector or other District officer.

951. (a) A copy of any order issued by a Local Government or other Executive authority under the preceding Article should be forwarded to the Accountant-General, and the Collector of the district from which the payment is to be transferred should be instructed to return his half of the Pension Payment Order.

(b) The Accountant-General will then either issue a new payment order, or enface the payment order for payment at the new treasury and forward it to the Treasury Officer who will in future pay the pension, or, if the treasury is in another province, will move the Accountant-General of that province to do so.

952. A Treasury Officer may authorise payment in any of the outlying treasuries subordinate to his district treasury of a pension payable under proper authority at his head-quarters, and may transfer the payment of a pension from such subordinate treasury to the district treasury, or from one subordinate treasury to another in the same district.

Certificate of Non-Employment.

953. (a) A pensioner drawing pension in India is required to append to his bill a certificate as follows :—

“I declare that I have not received any remuneration for serving in any capacity, either under Government or under a Local Fund, during the period for which the amount of pension claimed in this bill is due.”

(b) In the case of a pensioner permitted under Chapter XXI to draw pension after re-employment, this certificate should be modified according to the facts.

(c) In the case of a pensioner drawing his pension through an agent, who has executed a bond of indemnity, as required by Article 42 of the Civil Account Code, the certificate modified accordingly may be signed by the agent, provided that the pensioner shall himself furnish, once a year, a certificate covering the period for which pension has been drawn on the basis of the agent's certificates.

Renewal of Pension Payment Order.

954. When the reverse of a Pension Payment Order is filled up, or when the pensioner's half is found to be worn or torn, both halves may be renewed by the Treasury Officer.

955. If a pensioner loses his half of the Pension Payment Order, a new Order may be issued by the Treasury Officer, who should see that no payment is made on the half alleged to be lost by a strict observance of Rule 2 under Article 943. The necessary note should be made in the remarks column of the register in Form 39, Civil Account Code.

Lapses and forfeitures.

956. If a pension payable in India remains undrawn for more than one year, the pension ceases to be payable.

957. If the pensioner afterwards appears, the disbursing officer may renew his payments. But the arrears cannot be paid if the pension in arrears is to be paid for the first time or if the amount of arrears exceeds Rs. 1,000 without the previous sanction of the authority by whom the pension was sanctioned to be obtained through the Accountant-General.

NOTE.—[In cases where the pension is sanctioned by the Local Government, it may delegate its powers under this Article to Heads of Departments or other subordinate authorities.]

958. If the suspension of payment is attributable to error or neglect by any public officer, the Accountant-General may direct payment of the arrears without taking the orders of the Government.

Deceased Pensioners.

959. (a) On the death of a pensioner, payment of any arrears actually due may be made to his heirs, provided that they apply within one year of his death. It cannot be paid thereafter without the sanction of the authority by whom the pension was sanctioned to be obtained through the Accountant-General.

NOTE.—[In cases where the pension is sanctioned by the Local Government, it may delegate its powers under this Article to Heads of Departments or other subordinate authorities.]

(b) But if the arrears do not exceed Rs. 100, and the case presents no peculiar features, the Accountant-General is empowered to pass the arrears on his own authority.

(c) After payment of the arrears of pension, the Pension Payment Order should be returned to the Accountant-General with a report of the date of the death of the pensioner.

960. Subject to the provisions of the preceding Article, the arrears of pension of a deceased pensioner may be paid to the heirs of the deceased, without the production of the usual legal authority, to the extent of Rs. 500 under the orders of the Collector or other officer responsible for the payment, after such enquiry into the rights and title of the claimants as may be deemed sufficient. Any excess above Rs. 500 may similarly be paid under the orders of the Local Government on execution of an indemnity bond, with such sureties as it may require, if it is satisfied of the right and title of the claimant and considers that undue delay and hardship would be caused by insisting on the production of letters of administration.

In any case of doubt, payment should be made only to the person producing legal authority.

961. If an officer dies before actually retiring or being discharged, his heirs have no claim to anything in respect to his pension.

SECTION III.—PAYMENT IN ENGLAND.

962. When a pension is granted to an officer who desires that payment thereof from the date of its commencement should be made at the Home treasury, the Audit Officer who audits the pay of the officer should, on receipt of sanction to the grant of pension, issue a last-pay certificate, and forward to the High Commissioner for India a duplicate thereof, together with a copy of the first page of the application for pension and of the order of the Local Government or other authority granting the pension. The forwarding letter should always request that payment be made from some specific date, the date being ascertained from the last-pay certificate.

963. If the pension is not wholly chargeable against the General Revenues, care must be taken to state in the certificate how it is to be charged.

964. The annuities and pensions of all officers are issued at the Home treasury monthly in arrear on the 16th day of each calendar month.

They are made up to the following quarterly dates, *viz.*, to the 15th March, 15th June, 15th September and 15th December; and they are paid in monthly instalments, the first two instalments in each quarter being the net amount accrued, omitting shillings and pence, and the third instalment being the balance due for the quarter.

965. Intimation of any revision of a pension paid at the Home treasury should be made to the High Commissioner for India, so as to reach him before the pensioner is informed.

SECTION IV.—PAYMENT IN A COLONY.

966. The rules in this Section apply to pensions granted under the rules in any Chapter of these Regulations. The pension of a pensioner residing in any Colony named in Appendix 15 may be paid there.

Issue of Warrant.

967. The authority for payment of a pension in a Colony shall be a Warrant in Form 29 to be issued by the Accountant-General of the province to the cadre of which the retiring officer belongs.

968 and 969. *Cancelled.*

970. Every Warrant shall be issued in triplicate. The original, bearing the payee's signature, should be forwarded to the Colonial authority concerned, the duplicate to the High Commissioner for India, and the triplicate should be made over to the payee. Each payment should be endorsed on the back of both the original and the triplicate Warrant, an acknowledgment of receipt of money being rendered by the payee. When no space for such entries remains, or when a Warrant is lost or destroyed, a fresh Warrant shall be issued by the officer who issued the original Warrant on application being made through the Colonial disbursing officer. The letter forwarding the duplicate Warrant to the High Commissioner should invariably furnish the following information, *viz.* :—

- (1) Whether the pensioner is already on leave in the Colony.
- (2) Date of his retirement.
- (3) Date of leaving India.
- (4) Date of birth.

971. *Cancelled.*

Transfer of Payment.

972. (a) Transfer of a pension from an Indian treasury to a Colony the payments in which are adjusted in the accounts of the Home treasury is permitted only once; but a pensioner can at any time have payment transferred from a Colony to an Indian treasury, or from a Colony the payments in which are adjusted in the accounts of the Home treasury to England for direct payment from the Home treasury.

(b) In case a pensioner desires transfer of payment of his pension from one Colony to another, the Government of India will recognise the proceedings of the Colonial authorities sanctioning such transfer which should, however, be reported separately by the pensioner to the Government of India and to the High Commissioner for India.

973. Upon his return to India an officer should deliver up his copy of the Warrant, which will serve the purpose of a last-pay certificate.

Chapter XLIX.—Pensions to Members of the Indian Civil Service.

SECTION I.—APPLICATIONS.

Retirement while on duty in India.

974. A retiring officer of the Indian Civil Service shall, if he be in India, submit his application for permission to resign the Service and for an annuity or gratuity to the Local Government on whose cadre he is borne at the time. If he is employed under another Local Government or under a Department of the Government of India, the application should be sent through such other Local Government or Department of the Government of India. The Local Government on whose cadre the officer is borne will, on receipt of the application, obtain the report of the Accountant-General upon the officer's claim in respect of service and active service. If the officer is under the audit of another Accountant-General, the Accountant-General of the province to the cadre of which the officer belongs will obtain from the other Accountant-General the information required for his report.

NOTE 1.—[When reporting on the officer's claim in respect of service and active service, the Accountant-General should send the officer a copy of Article 981.]

NOTE 2.—[As soon as an officer gives over charge of his office, the Accountant-General should furnish the following information to the Local Government, or, if the officer belongs to the cadre of another province, to the Accountant-General of that province, who will pass it on to the Local Government :—

1. Name of officer.
2. Date on which he made over charge of his office.
3. The amount of leave granted, if any.
4. Date up to (and including) which leave allowances have been drawn.
5. What demands, if any, are outstanding against the officer.

The annuity or gratuity should be sanctioned subject to the recovery of these outstandings.]

975 and 976. *Cancelled.*

Retirement during leave to Europe.

977. (a) An officer who wishes to retire from the Service while on leave in Europe must submit his application to the Secretary of State.

(b) When an officer makes his application under this Article, whether after completing his full period of service or after having been declared by the Medical Board to be unfit for further service in India,

his resignation is accepted, subject to the adjustment of any demands that may be standing against him in India; and he is directed to apply to the Local Government on whose cadre he was borne at the time of retirement for the annuity or gratuity to which his length of service may entitle him.

Grant of Pension.

978. (a) The annuity or gratuity will be sanctioned by the Local Government on whose cadre the retiring officer is borne at the time of retirement.

(b) The copy of the sanctioning order forwarded to the officer will be his authority for drawing his annuity or gratuity.

SECTION II.—PAYMENT.

979. *Cancelled.*

980. The annuity of a Member of Council who has not previously resigned his seat in Council, or whose successor has not entered upon his office, commences from the day following that on which the vessel in which he leaves India sails, or from the expiry of his five years' tenure of office, whichever date is earlier.

981. An officer on resigning the Service must report to the Local Government on whose cadre he is borne the place at which he desires that his annuity should be paid, and if he is leaving India, the date of departure of the vessel in which he sails.

NOTE.—[A copy of this Article should be furnished by the Accountant-General to every officer who applies in India for permission to resign, with the intimation that there will be delay in the commencement of his annuity if he does not furnish the information required by this Article. (See also Note 1 under Article 974).]

982. Annuities are payable in arrear, monthly, and to date of decease.

983. (1) When payment of annuities or gratuities is taken at the Home treasury, it may be taken, at the option of the recipient, either in rupees converted into sterling at such rate of exchange as the Secretary of State in Council may by order prescribe or at the fixed sterling minimum.*

(2) When payment of annuities or gratuities is taken in India, it may be taken, at the option of the recipient, either in rupees or at the fixed sterling minimum converted into rupees at such rate of exchange as the Secretary of State in Council may by order prescribe.

Provided that annuitants of the following classes may, at their option, receive the fixed sterling minimum converted into rupees at the rate of

* See Article 551, Civil Service Regulations.

1s. 4d. to the rupee, as long as they are in India or Burma¹ and continue to have their permanent residence there :—

- (i) Annuitants resident in India or Burma¹ who were on the 1st February 1921 in receipt of annuities converted at this rate.
- (ii) Annuitants of Indian domicile who were, on the 1st February 1921, temporarily drawing their annuities in sterling.
- (iii) Annuitants who were serving in the Indian Civil Service on the 1st February 1921 and who at that date were of Indian domicile.

Provided further that the annuity of any annuitant referred to in clauses (i), (ii) or (iii), who has commuted any portion of his annuity after the 10th day of October 1928, shall be converted at the rate of exchange prescribed by the Secretary of State in Council as hereinbefore provided, and to the resulting annuity shall be added, so long as he is in India or Burma¹ and continues to have his permanent residence there, the difference between the values of the full sterling annuity ²(less any portion commuted before the 11th October 1928), converted at that rate and at the rate of 1s. 4d. respectively.

984. Transfer from the Home treasury to an Indian treasury, and *vice versa*, is permitted twice only.

985. Whenever a certificate is issued for the payment of an annuity from the Home treasury, the amount of the annuity must be stated in pounds sterling and not in rupees, and, in the case of transfer of payment from India to the Home treasury, it must be distinctly recorded that no further payment on account thereof will be made in India.

986. An officer who resigns the Service while he is in Europe, and who has completed the requisite period of service and residence and elected to draw his annuity from the Home treasury, can obtain advances from the High Commissioner for India, pending receipt of the authority referred to in Article 978.

987. Payment of annuities may be made in any Colony named in Appendix 15 in accordance with the procedure laid down in Articles 966 to 973.

Chapter L.—Pensions to Chaplains.

988. and 989. *Cancelled.*

¹ The words 'or Burma' wherever they occur in Article 983 have been inserted by the Secretary of State and take effect from the 1st April 1937.

² The words in brackets occurring in the second proviso to Article 983 takes effect from the 22nd January 1928.

990. A Chaplain who is retiring, if he be in India, must, if he belongs to the Church of England, submit his application through the Archdeacon or Bishop of his Diocese, or, if he belongs to the Church of Scotland, through the Presidency Senior Chaplain, to the Local Government under which he is serving or has last served.

The Archdeacon of Calcutta or the Presidency Senior Chaplain, Church of Scotland, Bengal, will submit his application to the Government of India in the Department of Commerce.

990-A. (a) A Chaplain who wishes to retire from the service while on leave in Europe must submit his application to the Secretary of State.

(b) When a Chaplain makes his application under this Article, whether after completing his full period of service and residence or after having been declared by the Medical Board to be unfit for further service in India, his resignation is accepted, subject to the adjustment of any demands that may be standing against him in India; and he is directed to apply to the Local Government under which he was serving at the time of retirement or to the Government of India, as the case may be, for the pension to which he may be entitled.

991. *Cancelled.*

992. The Department of Commerce or the Local Government before accepting the resignation of a Chaplain should obtain a certificate from the Accountant-General concerned, showing the Chaplain's service, residence and the amount of pension to which he is entitled.

993. (a) In the case of the Archdeacon of Calcutta and the Presidency Senior Chaplain, Church of Scotland, Bengal, the case should be forwarded to the Finance Department of the Government of India, in which Department the pension to which the Chaplain is entitled will be sanctioned.

(b) In the case of other Chaplains the pension will be sanctioned by the Local Government concerned.

994. *Cancelled.*

PART XI.—REGULATIONS RELATING TO TRAVELLING ALLOWANCES.

GENERAL ARRANGEMENT.

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PART XI.—REGULATIONS RELATING TO TRAVELLING ALLOWANCES.

Chapter LI.—Definitions and General Rules.

SECTION I.—PRINCIPLES OF CALCULATION.

995. Travelling allowance is given to an officer to cover the actual travelling expenses incurred by him in travelling in the interests of the public service. It is a fundamental principle that the allowance is not to be a source of profit, and, save as specially provided in these Regulations, no allowances are granted to meet the expenses of the families of officers accompanying them when travelling on duty.

Route for calculation of Travelling Allowance.

996. (a) For the purpose of calculating travelling allowance, a journey between two stations is held to be performed by the shortest of two or more practicable routes, or by the cheapest of such routes as may be equally short.

NOTE.—[Where there are alternative railway routes, and the difference between them in point of time and cost is not great, travelling allowance should be allowed for the route actually used.]

(b) The shortest route is that by which the traveller can most speedily reach his destination by the ordinary modes of travelling. In case of doubt the Head of the Department concerned will, in respect of journeys within his jurisdiction performed by officers under his control, declare which shall be regarded as the shortest of two or more routes.

(c) If an officer travels by a route which is not the shortest, but which is cheaper than the shortest, his travelling allowance is calculated by the route by which he makes the journey.

997. The Local Government, or the Head of the Department in the case of journeys within his jurisdiction performed by officers under his control, for special recorded reasons, may permit travelling allowance to be calculated by a route other than the shortest or cheapest, provided that the journey is actually performed by such route.

NOTE.—[In the case of journeys between stations which are in the jurisdiction of different Local Governments, Heads of Departments under whose orders transfers are made from one Province to another may exercise the powers of a Local Government under Articles 996 and 997.]

998. The point in any station from which a journey is held to commence, or at which it is held to end, is the chief public office or any other point fixed for the purpose by the Local Government.

NOTE.—[See Note under Article 1065 (iii) (1).]

When means of locomotion are supplied.

999. (1) An officer who is provided with and avails himself of means of locomotion at the expense of Government, a Local Fund or an Indian State, and does not pay the expenses of its use or propulsion, draws travelling allowance as follows :—

- (a) If he has not to provide separate conveyance at his own expense for his servants or luggage, he draws the daily allowance ordinarily admissible to him and is not entitled to exchange the daily rate for mileage under Article 1065. But if part of the journey is performed by other means of locomotion he may at his option draw in lieu of daily allowance the travelling allowance admissible for that part.
- (b) If he has to provide separate conveyance at his own expense for his servants or luggage, he may, under Article 1065, exchange his daily allowance for half the mileage ordinarily admissible to him and may draw in addition the travelling allowance admissible for any part of the journey performed by other means of locomotion.

NOTE.—[Chauffeurs of motor cars supplied by Government (either under the rules promulgated in the Resolution of the 15th July 1912 or otherwise) or by a local fund, when performing road journeys on motor cars in their charge, draw travelling allowance as above only if the journey involves an absence of at least one night from head-quarters. Otherwise they are not entitled to any travelling allowance for such journeys.]

(2) An officer provided with the means of locomotion as in clause (1), who pays all expenses of its use or propulsion, is entitled to travelling allowance under the ordinary rules, subject to the deduction therefrom of such fixed hire or charge as the Local Government, or the Head of an Imperial Department in respect of journeys within his jurisdiction performed by officers appointed by him and under his control, may fix.

999-A. The above Article does not apply to—

- (a) Officers using motor cars supplied at the public expense under the rules promulgated in the Resolution in the Finance Department; No. 250-E. A., dated the 15th July 1912. The travelling allowance of such an officer is regulated by the ordinary rules, subject to the following conditions :—
 - (1) If he travels more than twenty miles by the motor car in a day, he will draw for the first twenty miles the mileage allowance ordinarily admissible under these Regulations, and for the remainder three-fourths of the mileage allowance so admissible.
 - (2) If a journey by the motor car is combined with a road journey by ordinary conveyance, the officer will draw the mileage allowance ordinarily admissible for the first twenty miles or for the portion of the journey performed by ordinary conveyance, whichever is greater, and for the remainder three-fourths of the mileage allowance so admissible.

- (3) If journey by road, wholly or partly by the motor car, is combined with a journey by rail or steamer, the officer will draw the allowances admissible under Article 1065 (iii), modified in respect of the road journey, whether made by the motor car or otherwise, with reference to clauses (1) and (2) of this rule.
- (b) Officers of the fourth class.
- (c) Officers who are entitled to or are allowed free transit by railway whether under a free pass (*see* Appendix 30) or otherwise.
- (d) Officers who are provided with elephants required for the conduct of professional operations and not for their private use.
- (e) Officers mentioned in Appendix 16A.

Camp Equipment and Horses.

1000. When the Local Government is satisfied that it is in the interests of the public service that an officer required to tour should send his horses, camels, motor cars, motor cycles including side-car, bicycles or camp equipment by railway or steamer, or by country craft when no steamer service exists or is capable of conveying the goods or animals or when such means of carriage is cheaper or more expeditious, it may, by special order in each case, permit him to recover, in addition to his authorised travelling allowance, the actual cost of their carriage including, whether separately charged for or not, the cost of conveyance of one syce and one grass-cutter for each horse and a chauffeur or cleaner for a motor car.

NOTE 1.—[An officer in receipt of a permanent monthly travelling allowance is not entitled to the privilege of this Article.]

NOTE 2.—[An Ordinary Member of the Governor-General's Council or of the Councils of Governors and Lieutenant-Governors is entitled to recover the whole cost of conveyance of a motor car only in those cases in which the Government of India or the Local Government, as the case may be, are satisfied that the car has been employed for all practical purposes only as a means of performing a journey in the public interest off the line of railway. In cases where the presence of his private car with the Member of Council has, apart from the advantages to the State of the particular tour or journey, saved him expense in hiring or served his personal convenience to an appreciable degree, he should be required to pay one-fifth of the cost of carriage.]

1001. The local Government may prescribe such limitation as it thinks fit regarding the maximum weight of camp equipment and number of horses to be carried by an officer of any class or department, and may, subject to such limitations, delegate its power of sanction under Article 1000 to any head of a department or controlling or inspecting officer.

SECTION II.—CLASSIFICATION OF OFFICERS.

1002. For the purposes of this Part of the Regulations officers are divided into four classes :—

First.—The first class includes members of the Indian Civil Service, members of the Provincial Civil Services holding “listed” appointments, Military Commissioned and Departmental officers, Chaplains, the officers mentioned in Part I of Appendix 18, and any other officer who holds an appointment the pay or maximum pay of which exceeds Rs. 500.

Second.—The second class includes Warrant officers, Non-Commissioned officers, the officers mentioned in Part II of Appendix 18, and any other officer, not included in the first class, who holds an appointment the pay or maximum pay of which exceeds Rs. 100.

Third.—The third class includes all officers in superior service not included in the first or second class and jail warders in the Bombay Presidency drawing more than Rs. 10 a month.

Fourth.—The fourth class includes all officers in inferior service.

NOTE 1.—[A Provincial Government may change from one travelling allowance class to another officers who are paid wholly or in part from Provincial revenues.]

NOTE 2.—[The classification of an officer on a time-scale of pay, who is not included in Appendix 18, is determined by the pay actually drawn by him from time to time.]

NOTE 3.—[Fitters and other mechanics employed on State Railways, and drawing a higher rate of pay than Rs. 12 a month, are held to be officers of the second or third class, according as their pay does or does not exceed Rs. 100 a month.]

NOTE 4.—[The following Police subordinates are held to be in superior service if their pay exceeds Rs. 10 a month :—

(a) Of rank higher than constable, everywhere.

(b) Of the rank of constable in the Aden and Makhi Dhand Police.

(c) Mounted constables in Sind.]

NOTE 5.—[Forest Guards are held to be officers of the fourth class even in cases where their service is specified as superior.]

1003. Honorary Magistrates, who are not officials of Government, may, when employed on Government work under the orders of the District Magistrate or Sub-divisional Officer at a distance exceeding five miles from their residence, or when the bench which they attend is situated at a similar distance from their homes, draw for journeys by rail double second class fare, and for journeys by road four annas a mile. They may also draw, under the usual rules, a daily allowance of Rs. 3 during halts when employed, at a distance exceeding five miles from their residences, on Government work, whether judicial or extra-judicial, under the orders of the district or sub-divisional magistrate.

1004. The Local Government may grant travelling allowance under these Regulations to any person, who is not a Government official and who may be required to attend any meeting of a Commission of Enquiry or of a Board, Conference, Committee or departmental enquiry convened under (or with reference to) its orders to transact or advise upon matters of public business or to conduct examinations held under its authority, or who may be required to perform any public duties in an

honorary capacity; and may for this purpose declare, by general or special order, to what class such a person belongs and to what daily allowance he is entitled, subject to the condition that the ordinary daily allowances for officers of the first and second classes, respectively, shall not exceed Rs. 5 and Rs. 3. It may also, at its discretion, grant such a person, in lieu of travelling allowances under these Regulations the travelling, hotel and carriage expenses actually incurred by him.

NOTE 1.—[The grant of travelling allowance under the Regulations is desirable, as far as possible, in all cases falling under this Article, as it avoids correspondence and tends to facility of audit.]

NOTE 2.—[The Local Government may delegate its powers under this Article to the Head of the Department concerned, or to the Government officer presiding over the meeting of the Commission, etc.]

1005. The Local Government may declare to what class an officer, whose whole time is not retained for the public service, or who is paid partly or wholly by fees, belongs, and to what daily allowance such an officer is entitled: provided that the ordinary maximum daily allowances for officers of the first and second classes, respectively, are Rs. 5 and Rs. 3.

1006. An officer on special duty belongs, in the absence of a special order of the Local Government to the contrary, to the class to which he belonged immediately before he was placed on such duty.

1007. An officer during transfer from an appointment in one class to an appointment in another class belongs to the class to which he would belong if holding the lower of the two appointments.

Temporary Employés.

1008. A person employed temporarily, by competent authority, is entitled to travelling allowances under the rules applicable to officers of corresponding rank with permanent appointments.

Combination of Appointments.

1009. An officer holding, either temporarily or permanently, two separate appointments is entitled only to the travelling allowance attached to one of them; but in the case of permanent allowances, the Local Government may grant such allowance as may be necessary, not exceeding the aggregate of the allowances attached to both appointments, if it considers that the officer is, by reason of holding both, obliged to incur additional travelling expenses beyond what he would have incurred if holding only one.

1010. An officer placed in charge of the current duties of an office is not entitled to the travelling allowance attached to the office, except under the special order of the authority empowered to give such charge and in the following cases:—

- (a) An Assistant or a Deputy Superintendent of Police placed in charge of the office of a District Superintendent may draw the travelling allowance of a District Superintendent, and an Inspector placed in charge of the office of a District Superintendent, Assistant Superintendent or Deputy

Superintendent may draw the travelling allowance of a Deputy Superintendent.

- (b) An officer in the Survey of India whatever his substantive rank may be, draws when in charge of a Survey Party, the travelling allowance of a Deputy Superintendent.
- (c) A certain number of upper subordinates in the Buildings and Roads and Irrigation Branches, respectively, of the Punjab, the United Provinces, Bihar and Orissa and Bengal, according to a scale sanctioned from time to time by the Government of India in the Public Works Department, when placed in charge of districts or sub-divisions, are allowed travelling allowance at the rates admissible to Assistant Engineers, or Sub-Engineers, as may be ordered by the Local Government. Lower subordinates of the United Provinces, Buildings and Roads Branch, when similarly placed in charge of districts or sub-divisions, within the scale referred to above, draw travelling allowance at similar rates. Subordinates and Inspectors of Maintenance of the North-Western and Oudh and Rohilkhand Railways when placed in charge of sub-divisions or sub-districts, also draw travelling allowance at the rates admissible to Assistant Engineers.
- (d) A lower subordinate placed in charge of a properly constituted sub-division in Bengal, in Bihar and Orissa or in Burma may be granted the same travelling allowances as an upper subordinate when the necessity for such an arrangement arises in consequence of the paucity or absence of upper subordinates.

1. The Local Government may delegate its power under this Article to the Head of a Department or Commissioner of a Division.

Chapter LII.—Mileage Allowances.

NOTE.—[The rules in this Chapter are rules of calculation only; that is, they prescribe the method of calculating travelling allowances in those cases in which they are regulated by the distance travelled. The succeeding Chapters must be referred to for a definition of the circumstances under which the title to the allowances accrues.]

SECTION I.—TRAVELLING BY RAILWAY.

1011. Officers travelling by railway on duty are entitled to class accommodation according to the following scale :—

- (a) *Officers of the first class.*—Highest class accommodation (by whatever name called) provided on the line by which the officer is required to travel.
- (b) *Officers of the second class.*—Second or, where on the line by which the officer is required to travel second class accommodation is not provided on any of the trains, first class.

(c) *Officers of the third class.*—Intermediate class, or if on the line by which the officer is required to travel no “intermediate” class accommodation is provided on any of the trains then—

(i) where there are only two classes,—lower class;

(ii) where there are three classes,—second class, if the officer’s pay or maximum pay is not less than Rs. 50; otherwise, third class.

(d) *Officers of the fourth class.*—Lowest class whether called lower, third, or fourth.

NOTE 1.—[On the Darjeeling-Himalayan Railway (except the Siliguri-Kissenganj extension) all officers of the third class are entitled only to third class accommodation.]

NOTE 2.—[If an officer of the second or third class actually travels by a train which does not provide the class of accommodation which is permissible under this Article, he may be allowed to draw the travelling allowance admissible for the next higher class, subject to any restrictions which the Local Government may impose and subject to the condition that the officer who controls his travelling allowance attaches a certificate to the bill that it was necessary in the public interests for him to travel by that train. But a third class officer, whose pay or maximum pay is less than Rs. 50, and who travels on a line which provides intermediate class accommodation, on one or more of its trains, but by a particular train which has no intermediate class, is not entitled to the above concession. He will be restricted to travelling allowance based on intermediate class accommodation, and can draw the travelling allowance admissible for second class accommodation only in the event of there being no third class on the train.]

NOTE 3.—[When through-booking involves the payment, for part of a journey, of rates for a class higher than is permissible under this Article, the officer is entitled to accommodation for that part by the higher class.]

NOTE 4.—[Journeys to stations at which no trains providing inter class accommodation stop may be considered as journeys on a three-class line for purposes of clause (c) of this Article.]

Exceptions.—(a) Junior Port Officers in the Madras Presidency, the Assistant Port Officer, Rangoon, the Assistant Conservator of the Upper Reaches of the Irrawaddy and Chindwin rivers, Extra Assistant Conservators of Forests who are attached to the Burma Forest School as Instructors, the Native Assistant to the Resident at Baroda, the Headmaster of the Government Engineering School, Insein, and the Lady Superintendents in the Female Training Colleges at Ahmedabad, Dharwar, Hyderabad and Poona are entitled to first class accommodation.

(b) Observers and clerks of the Meteorological Department when touring on inspection duty are entitled to second class accommodation if they actually travel by that class on account of their having valuable or delicate instruments with them.

(c) Deputy Inspectors of Schools in Bengal and Bihar and Orissa, permanent or temporary, are allowed second class accommodation.

1012. The allowance admissible to an officer of the first, second, or third class is double the fare of the class in which he is entitled to accommodation, and to an officer of the fourth class the fare of the lowest class.

Exception.—The undermentioned Revenue and Forest officers in Madras receive mileage at the following rates when travelling by railway with camp equipment, including tents, within their jurisdiction :—

	Annas.
Collectors and Conservators	6
Sub-Collectors, Assistant Collectors, Deputy Conservators, Assistant Conservators when placed in charge of Forest Divisions or employed as Instructor at the Forest College, Coimbatore, and Forest Settlement Deputy Collectors	4
Deputy Collectors and Assistant Conservators	3

1013. When an officer is entitled to or is allowed free transit by rail his travelling allowance must, save as otherwise provided in Articles 1067 to 1069, be reduced by the amount of the fare which but for such free transit he would have paid.

NOTE 1.—[This Article applies to every case not covered by a specific rule to the contrary, in which an officer is provided with a free pass, and not merely to the case of free passes granted on railways which are worked directly by Government.]

NOTE 2.—[The deduction made from travelling allowance under this Article shall ordinarily be for the full number of fares covered by the pass; that is, in the case of a 1st class pass, one first and two third class fares, and in the case of a second class pass, one second and one third class fare. If the deduction made on any bill is less, the officer drawing the bill must attach a certificate that he did not use the pass in respect to the fare or fares for which the deduction is not made.]

1014. When an officer is entitled to travel in a higher class at a lower fare his travelling allowance must be reduced by the amount by which the fare of the class in which he travels exceeds the fare actually paid.

Unopened Lines.

1015. (a) An officer of the State Railways or the Telegraph Department travelling on an unopened line of railway by trolley, material train, or engine, draws, in addition to the actual cost of haulage (if any), the following mileage allowances, *i.e.*—

If an Officer of the first class	1½ annas.
Ditto second class	9 pies.
Ditto third or fourth class	3 "

(b) This Article is not applicable to officers of the Consulting Engineer's Department, or to officers attached to open lines of railway.

(c) An officer cannot draw any other allowance in lieu of, or in addition to, this special allowance, except—

(i) when he makes a journey of less than twenty miles partly by trolley and partly by road, in which case he can only draw daily allowance for the whole journey;* and

(ii) when he remains absent from head-quarters for a night, in which case he can draw, at his option, either daily allowance, or the allowance admissible under this Article;

* When the journey is more than twenty miles and is made partly by road and partly by trolley, the allowances are regulated by Article 1065 (iii).

- (iii) when the conditions of Article 1061 (a) are satisfied in which case he may draw also the allowances admissible under that Article.

NOTE.—[The special allowance admissible under this Article is not affected by Article 999.]

SECTION II.—TRAVELLING BY SEA OR RIVER.

1016. Officers travelling by sea or in a river steamer on duty are entitled to class accommodation according to the following scale :—

- (a) *Officers of the first class*—First class.
 (b) *Officers of the second or third class*—Middle or Second class.
 (1) If there are only two classes of accommodation in a steamer, an officer of the second class is entitled to accommodation by the higher and an officer of the third class by the lower of the two classes.
 (2) If there are four classes of accommodation, an officer of the second class is entitled to second class and an officer of the third class to third class accommodation.
 (3) The head of the office may direct that any officer whose pay does not exceed Rs. 30 shall be allowed for journeys generally or particular journeys accommodation under clause (c) only.

- (c) *Officers of the fourth class*—Lowest class.

1017. The allowance admissible to an officer of the first, second or third class is double the fare of the class in which he is entitled to accommodation, and to an officer of the fourth class the fare of the lowest class and in addition double the daily allowance ordinarily admissible.

NOTE.—[The word "fare" in this rule means "fare without diet" in cases where the Steamer Company has two rates, namely, one with diet and the other without diet.]

1017-A. When an officer is allowed free transit by steamer otherwise than in a Government vessel (as to which see Articles 1028 to 1030), his travelling allowance must be reduced by the amount of the fare which but for such free transit he would have paid.

NOTE.—[When such free transit is allowed by means of a pass, the deduction made from travelling allowance under the Article shall ordinarily be for the full number of fares including the fares of servants covered by the pass. If the deduction made on any bill is less, the officer drawing the bill must attach a certificate that he did not use the pass in respect to the fare or fares for which the deduction is not made.]

1018 and 1019. *Cancelled.*

1020. In cases of doubt, or in cases in which, owing to the arrangement of the classes on the steamer, the rules if construed strictly involve hardship, the Local Government, or the Head of a Department in respect of non-gazetted subordinates, has power to decide for journeys generally, or for particular journeys, what class of accommodation officers should be allowed, and whether when any concession is sanctioned the officers should be granted the full allowances admissible for the higher class in which they are permitted to travel.

1021. Except as provided in Articles 1000 and 1094, no more personal luggage can be carried at the expense of the State than the quantity the freight on which is included in the charge for passage.

1022—1027A. *Cancelled.*

Government vessels.

1028. An officer is bound to travel in an Indian Government vessel, if suitable accommodation be offered to him.

1029. An officer travelling otherwise than on payment of passage money in a vessel, the cost of which is paid by the State or Local Funds, is entitled to draw only the daily allowance ordinarily admissible to him. In cases in which servants and luggage are not conveyed on the vessel but are sent separately at the expense of the officer, he may be given the actual expenses of transporting them.

1030. *Cancelled.*

Crossing River or Arm of the Sea by Steamer.

1031. The rules in this section apply to an officer crossing a river or arm of the sea by steamer in the course of a journey; but when such crossing occurs in the course of a railway journey, and the charge therefor is included in the railway fare, the rules in Section 1 of this Chapter are applied.

1032. *Cancelled.*

SECTION III.—TRAVELLING BY ROAD.

1033. Travelling by road includes travelling by sea or river otherwise than on a steamer (*e.g.*, by steam launch or by boat), and travelling by canals.

Ordinary Mileage Rates.

1034. For journeys by road, mileage allowance is calculated at the following rates :—

Officers of the 1st class	.	.	.	.	.	.	.	8 annas
„ „ 2nd class	.	.	.	.	.	.	.	4 „
„ „ 3rd class	.	.	.	.	.	.	.	2 „
„ „ 4th class	.	.	.	.	.	.	.	1 anna

NOTE.—[A Provincial Government may fix mileage rates not exceeding 8 annas a mile for any officer or class of officers paid wholly or in part from Provincial revenues.]

1035. In calculating travelling allowance at mileage rates, fractions of a mile should be omitted, but only in the total of a bill for any one journey and not in the various items which make up the bill.

Special Mileage Rates.

1036. (a) The undermentioned Revenue and Forest officers in Madras receive mileage at the rates shown below when travelling on tour within their respective districts or charges :—

	Without tents.	With tents.
	Annas.	Annas.
Collectors and Conservators	8	12
Sub-Collectors and passed Assistant Collectors, Deputy Conservators, Assistant Conservators when placed in charge of Forest Divisions or employed as Instructors at the Forest College, Coimbatore, and Forest Settlement Deputy Collectors	6	8
Unpassed Assistant Collectors, Deputy Collectors, and Assistant Conservators	4	6

(b) The following officers also draw mileage at the special rates shown :—

	Annas.
Junior Port Officers in Madras	8
Overseers in the Public Works and Railway Departments	2
Assistant Inspectors of Schools, Bengal, Bihar and Orissa and Assam	6
Deputy Inspector of Schools, Bengal, Bihar and Orissa and Central Provinces and Berar	4
Assistant Opium Agents	8
Superintendents and Assistant Superintendents in the Northern India Salt Revenue Department	8
Chief Observers at Lahore and Allahabad and Clerks in the Calcutta, Madras and Bombay Meteorological Observatories when inspecting observatories	4
Settlement and Assistant Settlement Officers in Bengal, Bihar and Orissa and Assam and Excise Deputy Collectors in Bihar and Orissa whose pay is less than Rs. 700 a month—50 per cent. extra, subject to a maximum of	8
Sub-Deputy Collectors in Bengal and Bihar and Orissa, when engaged on land acquisition or partition work	4
Superintendents (Rs. 250—500) and Probationary Superintendent acting as Superintendent (Rs. 200) and Inspectors acting as Superintendents (Rs. 250) of the combined Excise and Salt Department, Bengal	6
Inspectors (Rs. 100) when not acting as Superintendents and Sub-Inspectors (Rs. 50—100) acting as Inspectors of the combined Excise and Salt Department, Bengal	3
Deputy Directors of Land Records in the Central Provinces drawing not more than Rs. 500 per mensem	

Special Conveyance.

1037. (a) When an officer of a class lower than the first is required by superior authority to travel by special means of conveyance, the cost of which exceeds the daily allowance under Article 1063 when daily allowance only is admissible, or the mileage admissible under Article 1034, the actual cost of transit may be drawn in lieu of daily allowance or mileage. The bill for the actual cost of transit must be supported by a certificate signed by the superior authority and countersigned by the controlling authority, certifying that the use of the special means of conveyance was absolutely necessary, and specifying the circumstances which rendered it necessary.

(b) The Audit Officer will report, for the orders of the Local Government, any case in which the concession appears to have been improperly granted.

Chapter LIII.—Travelling Allowances for Journeys on Tour.**SECTION I.—GENERAL RULES.**

1038. An officer other than one of those referred to in Article 1039, whose duties, whether ordinary or special, necessitate his travelling within or (under proper authority) beyond the circle of his ordinary jurisdiction, is entitled to travelling allowance which may be either—

- | | |
|---|--|
| (a) a permanent monthly allowance ; | } These may, under certain conditions, be exchanged for mileage under Chapter LII. |
| (b) a daily allowance ; | |
| (c) a conveyance allowance or actual conveyance hire. | |

Journeys to hill stations do not come within this rule.

1. An officer undertaking a journey to attend a Chapter of the Star of India or of the Indian Empire, to which he has been summoned, travels on duty within the meaning of this Article.

2. A Chaplain proceeding to a distance from head-quarters to solemnise a marriage, or a medical officer leaving his station to attend upon the family of a public officer, which he is not bound to attend free of charge as a part of his regular duties, is not travelling on duty within the meaning of this Article.

1039. The pay of the officers named in Appendix 20 has been fixed so as to compensate them for the cost of ordinary journeys (other than journeys by rail or steamer) within their respective jurisdictions, and they are not entitled to travelling allowance for such journeys. When travelling by rail or steamer within jurisdiction, they are entitled to travelling allowance under Articles 1011 to 1032. When proceeding under proper authority beyond their jurisdiction, they are entitled to travelling allowance for their entire journey, including such part of it as is within their jurisdiction.

NOTE 1.—[Zilladars and Veterinary Assistants serving in the Army Remount Department in Baluchistan are only entitled to actual railway fare when travelling by rail on duty.]

NOTE 2.—[Revenue Surveyors in Burma are not entitled to travelling allowance for journeys of any description within their jurisdiction. When travelling beyond

their jurisdiction they may draw the actual travelling expenses incurred on the whole journey, limited, save in the case of journeys by boat where this is the ordinary mode of travelling, to the amount of the travelling allowance admissible to officers of their class.]

1040. The Local Government is empowered to add to the list of officers in Appendix 20 subject to confirmation, on report of its proceedings to the Government of India.

NOTE.—[A Provincial Government has full power to add to, or remove from, the list in Appendix 20 any officer or class of officers paid wholly or in part from Provincial revenues.]

Limits of Ordinary Jurisdiction.

1041. A Local Government may fix the limits of ordinary jurisdiction for, and impose restrictions upon, the duration and frequency of the journeys on any specified duty of any officer or class of officers.

Tents.

1042. (a) The Local Government, or the Head of an Imperial Department in respect of his subordinates, is empowered to lay down the scale of Government tents to be supplied for the use on tour of any particular officer or class of officers for office and, if it think fit, private purposes.

(b) When tents which are the property of Government are used only for office purposes by an officer on tour, they are carried at Government expense. When they are used partly for office and partly for private purposes, the officer using them must, save as provided in Article 1000, pay half the cost of carriage. When they are used wholly for private purposes, the officer using them must, unless the case is met by Article 1000, pay the whole cost of carriage.

1043. *Cancelled.*

SECTION II.—PERMANENT ALLOWANCES.

1044. A permanent monthly travelling allowance is granted in lieu of all other travelling allowances for journeys within an officer's circle of duty, and is drawn all the year round, whether the officer entitled to it is at the time absent from his head-quarters or not. Officers in receipt of such an allowance should deduct from the amount drawn each month the value of the fares for any railway journeys for which they have used a free pass during the month.

Exceptions.—The following officers who draw permanent monthly travelling allowance may draw single fare for a journey by rail in addition :—

- (a) District Inspectors of Excise in the Central Provinces, provided the Deputy Commissioner certifies that the journey by rail was necessary and that the Inspector has duly earned the monthly allowance.
- (b) District Inspectors of Schools in the Punjab—with the special sanction of the Postmaster-General for journeys made by them as Inspectors of School Post Offices
- (c) Munshis and clerks attached to Canal Divisions of the Public Works Department and Sub-divisional clerks and munshis on the establishment of the Executive Engineer, Kumaun Government Estates, United Provinces.
- (d) Officers of the fourth class

1045. The Local Government may, either by a general order applying to a class of officers or by a special order, permit an officer whose circle of duty extends beyond the limits of a single district, to draw, whenever his actual travelling expenses for a duly authorised journey on duty by public conveyance exceed double the amount of his permanent allowance for the period occupied in such journey, the difference between such double permanent allowance and the allowances admissible under Chapter LIII in addition to his ordinary permanent allowance for such period.

1046. An officer in receipt of a permanent monthly allowance may, when proceeding, under proper authority, beyond his jurisdiction, exchange his permanent allowance for the entire journey, including such part of it as is within his jurisdiction, for the allowances admissible under Article 1065, the daily allowance being taken to be one-thirtieth of the permanent monthly allowance.

1047. A permanent monthly allowance cannot be drawn during absence on leave or during joining time, or for any period for which travelling allowance of any other kind is drawn. But save as provided in this Article a permanent allowance may, at the option of the officer receiving it, be drawn in lieu of any other travelling allowances admissible under these Regulations.

1048. Permanent monthly allowances are granted to the officers named in Appendix 22 at the rates shown therein.

Additions to this Appendix can be made only with the sanction of the Government of India.*

1049. (a) The Local Government may grant to a Forest officer, in lieu of other travelling allowance, a permanent allowance, according to the following scale :—

	Rs.
To an officer in charge of a circle	150 a month
To an officer in charge of a division—	
(i) If a member of the Imperial Forest Service or an Extra Deputy Conservator or an Extra Assistant Conservator in the Bombay Presidency	100 "
(ii) If an Extra Assistant Conservator elsewhere than in Bombay or a probationer for the Provincial Forest Service	75 "
(iii) If below the rank of Extra Assistant Conservator	50 "
To an officer in charge of a sub-division or range—	
(i) If not below the rank of Extra Assistant Conservator or a probationer for the Provincial Forest Service	60 "
(ii) If below the rank of Extra Assistant Conservator	20 "

(b) Where a charge is specially extensive, or travelling is unusually costly the above scale may be increased, with the previous sanction of the Government of India, by twenty-five or fifty per cent.

* The rule in this Article is to be read as superseded or revised by the Resolutions defining the powers of the Government of India and Local Governments in this matter.

1050. Conservators of Forests in the Madras Presidency may grant a Deputy Ranger or a Forester not in charge of a Range a permanent monthly travelling allowance not exceeding Rs. 8. Conservators of Forests and Deputy Conservators in charge of circles in the Bombay Presidency may grant a Forester, whose pay is not less than Rs. 15 per mensem and who is not in charge of a Range, a permanent monthly travelling allowance not exceeding Rs. 10.

1050-A. The Government of Burma may grant a permanent monthly allowance to all officers of or below the rank of Inspector in the various Settlement and Survey establishments (including clerks and menials), as well as to Demarcation Officers and their clerical and menial establishments, subject to the conditions that the maximum in any case shall not exceed Rs. 30 and that only half rates shall be admissible during the recess season.

NOTE.—[The Local Government may delegate its power under this Article to the Financial Commissioner in respect of temporary establishments which he is competent to sanction.]

1051. Munshis and clerks attached to Canal Divisions of the Public Works Department and sub-divisional clerks and munshis on the establishment of the Executive Engineer, Kumaon Government Estates, United Provinces, who are liable to be at any time required to go on tour, may, at the option of the Local Government, be granted a permanent monthly allowance of Rs. 10, in lieu of all other travelling allowance.

NOTE.—[Munshis and clerks stationed beyond the external boundaries of the Hazara, Peshawar, Kohat, Dera Ismail Khan or Dera Ghazi Khan districts, receive a permanent monthly allowance of Rs. 15, with the sanction of the Local Government in each case.]

SECTION III.—DAILY ALLOWANCES—CONDITIONS.

1052. (a) A daily allowance is intended to cover the ordinary daily charges of an officer on tour; it is drawn only during absence from head-quarters on duty, including the period of halts on duty, or on an authorised holiday, during such absence.

(b) Save where otherwise expressly provided, daily allowance is inadmissible for journeys, or halts in the course of journeys, under any other Chapter of these Regulations.

1053. The period of absence from head-quarters begins on the day on which the officer actually leaves head-quarters, and ends on the day on which he returns to them. It is not reckoned by the departure or return of his camp equipage.

1054. (a) The Local Government may apply the provisions regarding a halt at head-quarters, contained in Article 1059, subject to the conditions and certificates therein specified (as far as applicable) and to such other restrictions as may seem requisite, to the period, if any, intervening between the departure from, or arrival at, head-quarters of an officer and of his camp equipage.

(b) In the case of officers in Sind, the Local Government may similarly apply the provisions of Article 1059 to the period, if any, intervening between the engagement of camp equipage and the departure from head-quarters on tour.

NOTE.—[See Note 2 under Article 1059.]

1055. No travelling allowance, other than a permanent monthly allowance, is admissible for any day on which an officer does not reach a distance exceeding five miles from head-quarters or return thereto from a distance exceeding five miles. But an officer travelling on duty within five miles of head-quarters is entitled to draw the actual amount spent by him in payment of ferry and other tolls or railway fare.

Exceptions.—1. No travelling allowance, other than a permanent monthly allowance, is admissible to a District or Assistant District Superintendent of Police for visiting a police station otherwise than in the course of a tour, unless he travels at least twenty miles in one day. In this clause "tour" means a journey which involves absence from headquarters for two or more consecutive nights, and the visitation of two or more police stations or posts.

2. In the Bombay Presidency, general-duty Karkuns, general-duty Circle Inspectors and their peons, Palatis deputed on duty outside their jurisdictions, Taluka Head Munshis in the Province of Sind when deputed to carry out field inspections or other similar work ordinarily carried out by Mukhtyarkars, graduates and Munsifs deputed to the Tapadars' Training School at Hyderabad to undergo the survey course and surveyors deputed to instruct the class, such Excise (Abkari) Inspectors and Sub-Inspectors as do not receive a horse allowance, Nazirs of Subordinate Civil Courts stationed in towns provided with first class Subordinate Judges' Courts, and Veterinary Assistants in charge of stationary dispensaries, are exempted from the operation of this Article, as also are peons attached to Revenue Inspectors in the Madras Presidency.

NOTE.—[The term "general-duty Karkun" applies to any member on the establishment of a Mamlatdar or Mahalkari occasionally deputed to any part of a taluka for any special enquiry or purpose when the duty for any reason cannot be performed by a Circle Inspector.]

Halts during Tour.

1056. A daily allowance may not be drawn for more than ten days of a halt at one place. But general or individual exemptions from the operation of this rule may be sanctioned by the Local Government by a general rule or order, where they are satisfied—

- (a) that prolonged halts are necessary in the interests of the public service, and
- (b) that such halts necessitate the maintenance of camp equipage or where no camp equipage is maintained, entail extra expense on the officer after the first ten days.

Similar exemptions, subject to the same conditions, may be granted in individual cases up to a limit of 30 days by Imperial Heads of Departments and Provincial Heads of Departments, Commissioners of Divisions, Settlement Commissioners, and Superintending Engineers to whom the Local Government may delegate authority for this purpose.

It is open to the authority sanctioning the exemption to lay down any limits or conditions which it may think fit to impose; for instance, when an exemption is made under this Article, the full daily allowance

admissible under rule may be reduced by such an amount, and may be granted for such number of days, as the sanctioning authority may deem proper in each case.

NOTE 1.—[A general-duty Karkun in Bombay draws daily allowance for the first 120 days of absence from head-quarters in each financial year, irrespective of the limitation imposed by this Article. For halts after the first 120 days, the limitation applies.]

NOTE 2.—[As regards officers in (a) the Geological Survey Department, (b) the Central Criminal Intelligence Department, and (c) the Meteorological Department, the Head of the Department exercises the powers of a Local Government under this Article.]

NOTE 3.—[The Resident at Baroda exercises the powers of a Local Government under this Article as regards officers serving under him on boundary settlement work.]

NOTE 4.—[The Chief Inspector of Mines may exempt the clerks of his office from the operation of this Article in any specific cases in which he may consider that such exemption is admissible under the conditions of the rule, subject to the condition that the halting allowance drawn by any person so exempted in any one month shall not exceed 20 per cent. of his salary for the month.]

1057. (a) For the purpose of Article 1056 a halt is continuous unless terminated by an absence at a distance exceeding 5 miles for a period including not less than three nights.

(b) In calculating the ten days referred to in that Article any day on which the officer travels or halts outside the five miles radius is to be excluded. For such a journey or halt the officer may draw daily allowance or, if he is entitled to them, allowances under Section V, Chapter LIII.

(c) After the expiry of ten days an officer may draw travelling allowance under the ordinary rules for journeys from the halting place even though followed by a return to it.

NOTE.—[In Articles 1056 and 1057, the halting place for the purposes of Article 1055 should be considered to be the officer's temporary head-quarters.]

1058. A list of officers and establishments who have been exempted from the rule in Article 1056, conditionally or unconditionally, will be found in the Manuals of the local audit officers concerned.

Head-quarters.

1059. (a) A Local Government may, by general or special order, permit any officer or class of officers to draw, during a halt at head-quarters, the actual expense (not exceeding the daily allowance) of keeping up camp equipage (when it is necessary to do so) during a halt: provided such actual expense may not be drawn for a longer period than twenty-one days in Sind or Rajputana, and ten days in other places.

Explanation.—A halt is not interrupted for the purpose of this rule by an absence on duty from the place of halting for less than three nights.

(b) An officer drawing an allowance under this Article, for a halt at head-quarters, must certify that he has during such period kept up the whole or part of his camp equipage, and that the expense so incurred is not less than the halting allowance drawn. In the case of a non-gazetted or menial officer, the head of the office must also certify that it was necessary for such officer to keep up the whole or a part of his camp equipage as the case may be.

(c) Except in the case of officers to whom Exception 2 to Article 1055 applies, a halt within five miles of head-quarters in the course of a tour is, for the purpose of this Article, treated as a halt at head-quarters.

NOTE 1.—[The Local Government may delegate its power under this Article to Heads of Departments in respect of individual officers serving under them.]

NOTE 2.—[Riding camels and riding horses may, under the orders of the Local Government, be treated as camp equipage for the purposes of Article 1059 in the case of Munshis and clerks in the Punjab and Sind, and also for the purposes of Article 1054 (b) in the case of such officials in Sind.]

1060. The Local Government may determine, in case of doubt, what are the head-quarters of any officer serving under it. The Head of an Imperial Department may similarly decide in the case of his subordinates.

Cumulative Allowances.

1061. (a) An officer compelled, on a sudden emergency, to leave his camp and proceed rapidly on duty to a place more than twenty miles distant, may, under the special order of the Local Government, draw the actual expense of maintaining such camp, not exceeding the daily allowance, in addition to the allowances admissible under Chapter LII, whether the camp be moved or not.

(b) The Local Government may delegate its power under this Article to the head of a department.

1062. An officer entitled to daily allowance, whose jurisdiction extends over a whole province, may, when making a journey of over a hundred miles to the first and from the last camp of a tour, in lieu of the daily allowance admissible for the days occupied by such journey, recover the whole necessary expenditure incurred thereupon, including the conveyance of camp equipment, servants, horses, motor cars, motor cycles, bicycles and private baggage. The number of servants, horses, motor cars, motor cycles, bicycles and the quantity of private baggage to be thus charged for should be fixed by the Local Government.

SECTION IV.—DAILY ALLOWANCES—RATES.

1063. Officers are entitled to daily allowances as follows :—

- (i) An officer of the first class, Rs. 5.
- (ii) An officer of the second class, four annas for every Rs. 25 or fraction of Rs. 25 of the pay or maximum pay of his appointment, subject to a maximum of Rs. 3.
- (iii) An officer of the third class, two annas for every Rs. 12½ or fraction of Rs. 12½ of the pay or maximum pay of his appointment, subject to a minimum of six annas in the Bombay Presidency, or four annas elsewhere.
- (iv) An officer of the fourth class, three annas if he travels over more than one province, and two annas if he travels over a single province.

NOTE.—[A Provincial Government may fix special rates of daily allowance for any officer or class of officers paid wholly or in part from Provincial revenues, subject to a maximum of Rs. 10.]

Exceptions.—(a) The officers mentioned in Appendix 25 are entitled to daily allowance as shown therein.

(b) In the Forest Department, (1) officers of all classes below the first, including the Inspector General's peons while on tour elsewhere than in Burma, draw a daily allowance one-third greater than the allowance of their class, and (2) ministerial officers when on tour with the Inspector General draw a daily allowance of Rs. 2 which may in special cases be increased by the Inspector General to Rs. 3.

(bb) The camp clerk of the Inspector General of Irrigation draws a daily allowance of Rs. 2 which may, in special cases, be increased by the Inspector General to Rs. 3. The peons who accompany the latter on tour draw a daily allowance of four annas.

(c) The Vice-Consul at Jeddah and the Vice-Consul for Hodeida and Kamaran, when travelling in their Vice-Consular capacity on the public service in the Hedjaz, Red Sea, etc., are reimbursed their actual travelling expenses and receive in addition £1 per diem for subsistence.

(d) Clerks accompanying His Excellency the Viceroy, a Member of the Viceroy's Council, a Secretary to the Government of India, or the Financial Adviser, Military Finance, on tour draw for the whole period of the tour extra allowances according to the following scale. Travelling allowance may not be drawn in addition when the means of locomotion are provided at the expense of the State :—

(i) Clerks on salaries of less than Rs. 100—Full salary, provided the sum of salary and allowance does not exceed Rs. 150 a month.

(ii) Clerks on salaries of not less than Rs. 100 but less than Rs. 200—Half salary, provided the sum of salary and allowance does not exceed Rs. 266½ a month.

(iii) Clerks on salaries of Rs. 200 and above—One-third salary to a maximum of Rs. 200 a month.

NOTE.—[The Sub-Assistant Surgeon and Compounders attached to the Viceroy's dispensary and the Postmaster and Postmen of the Viceroy's Camp Post Office, when accompanying His Excellency on tour, are treated for the purposes of this rule as clerks.]

(e) Permanent clerks and permanent and temporary shroffs and potdars deputed to accompany remittances to the places named below, are entitled to daily allowances at the following rates for the period of their absence on duty :—

	Clerks.			Potdars and Shroffs		
	Rs.	A.	P.	Rs.	A.	P.
(i) Bombay, Calcutta, Karachi and Rangoon .	1	4	0	1	0	0
(ii) Other places beyond their provinces .	0	12	0	0	8	0

The Controller of Currency, Accountants General (except the Accountants General, Railways and Posts and Telegraphs), the Comptroller, Assam, and Deputy Controllers of Currency may, however, when they are satisfied that the rates otherwise admissible are insufficient, grant Rs. 1-8-0 to clerks, Rs. 1-4-0 to potdars or shroffs, and annas 4 to peons.

(f) Clerks and Sub-Postmasters of the Camp Post Offices and Hospital Assistants accompanying the Governor of the Punjab on tour are granted an allowance of one-third salary, subject to a maximum of Rs. 75 and a minimum of Rs. 30 a month, from the date on which the camp leaves headquarters to the date of its return. Inferior servants are entitled to the free carriage of their baggage. Clerks accompanying the Governor of Bengal and the Governor of Bihar and Orissa on tour and the Secretariat clerks attending upon the Chief or other Secretary to the Local Government who accompanies the Governor of Bengal and the Governor of Bihar and Orissa on tour are granted an allowance of one-third salary, subject to a maximum of Rs. 50 and a minimum of Rs. 20 a month, from the date on which the camp leaves headquarters to the date of its return.

NOTE.—The compounder attached to the hospital of the Governor of Bengal, when accompanying His Excellency on tour, is treated for the purposes of this rule as a clerk.

(g) Settlement and Assistant Settlement Officers in Bengal, Bihar and Orissa and Assam; Excise Deputy Collectors in Bihar and Orissa; Assistant Directors of Survey and officers of the Provincial Service of the Survey of India employed in Bengal, Bihar and Orissa and Assam; and Deputy Collectors and Sub-Deputy Collectors employed on survey work in Bengal, Bihar and Orissa and Assam, are entitled to daily allowance at the following rates :—

(i) Officers on pay of Rs. 700 or upwards, Rs. 7-8-0 a day.

(ii) Officers on pay of less than Rs. 700 a month, 50 per cent. in excess of the rate of their class, subject to a maximum of Rs. 5 a day. For journeys by boat in the Chittagong and Dacca divisions, and the districts of Khulna, Jessore and the 24-Parganas, the officers may draw only such daily allowance as is shown in the Local Manuals of the Audit officers concerned (see Art. 1140).

(h) Cash sircars and potdars on the Eastern Bengal State Railway, when temporarily employed in the capacity of Assistant Pay Clerks, and travelling with cash on the line, draw travelling allowance at the same rate as Assistant Pay Clerks.

(i) The peons who accompany the Auditor General, the Controller of Currency, the Educational Commissioner with the Government of India, the Director General, Indian Medical Service, the Sanitary Commissioner with the Government of India, the Electrical Adviser to the Government of India, the Agricultural Adviser to the Government of India and the officers of the Indian Agricultural Service on the Pusa Establishment, and the peons and menial staff of the office of the Central Intelligence Department and those accompanying the Surveyor General of India on tour, draw a daily allowance of four annas.

NOTE.—[When visiting places for which a Local Government has sanctioned under Article 1139 any higher rate of daily allowance for peons than four annas, the peons may draw such higher rates.]

(j) A gazetted officer of the Botanical Survey Department during the actual progress of a botanical tour is entitled to draw twice the daily allowance ordinarily admissible to him, subject to a maximum of Rs. 10 a day. The clerks and peons who accompany the Director, Botanical Survey of India, or the Economic Botanist, on Botanical tours also draw double rates of daily allowance and a daily rate of four annas respectively.

1064. With the following exceptions an officer of the Public Works Department holding an appointment in a Secretariat, or any other special appointment, draws the daily allowance of his class in the Department :—

(1) The Secretary to the Government of India in the Public Works Department is entitled to a daily allowance of Rs. 10.

(2) Secretaries or Joint Secretaries to Government in the Public Works Department of Madras, Bombay, Bengal, the United Provinces, Punjab, Burma and Bihar and Orissa, when travelling with the Governor or Lieutenant-Governor, are entitled to a daily allowance of Rs. 10.

SECTION V.—MILEAGE IN LIEU OF DAILY ALLOWANCES.

When Daily Allowances are exchangeable.

1065. An officer may for any day draw in lieu of his daily allowance—

(i) if he travels by railway or steamer or both, the allowances admissible under Articles 1011 to 1015 or Articles 1016 to 1032, or both, as the case may be;

- (ii) if he travels more than twenty miles by road, or if, being a non-gazetted ministerial or a menial officer, he travels by public or hired conveyance under a certificate from the head of the office that he was required to do so, the allowances admissible under Chapter LII;

1. In the case of a non-gazetted ministerial or a menial officer, the allowance admissible under this clause are subject to any restriction which the Local Government may prescribe, e.g., a Local Government may absolutely prohibit the exchange of daily allowance for mileage either for any class of officers or in any specified tract.

NOTE 1.—[Rangers whose pay does not exceed Rs. 100 a month and all Deputy Rangers when serving in the Pegu Circle, Burma, may draw actual expenses for journeys by boat.]

NOTE 2.—[Chitnises to Collectors and District Inspectors of Land Records in the Bombay Presidency may draw mileage or actual expenses for journeys of less than 20 miles by road.]

2. The Local Government may impose restrictions on the application of this Article to any officer or class of officers, either in respect of the distance to be travelled in any one day in order to entitle an officer to exchange his daily allowance, or otherwise, as it thinks fit.

NOTE.—[On the question of the advisability of laying down a scale or limit of actual expenses within the general limits of the rates for each class, the Government of India passed the following orders :—

"After a full consideration of all the reports received, the Governor General in Council has arrived at the conclusion that it is impossible to lay down any general subsidiary scale which should have force throughout India. It must be left to each Local Government or Administration to determine whether owing to local peculiarities or special causes any such scale is practicable, either for their jurisdictions generally or for any portions of them. And the Governor General in Council will merely rule generally that the actual expenses for which ministerial officers or menial servants may on certain occasions exchange daily allowance, besides being subject to the general mileage limits prescribed in *these Regulations*, shall also be subject to any further restrictions or limits which the Local Government may from time to time think fit to prescribe. Such restrictions or limits may, if considered advisable, amount to an absolute prohibition of the exchange of daily allowance for mileage in certain cases,..... or they may consist only in the prescribing of a subsidiary scale."

- (iii) if he travels partly by road and partly by rail or steamer, or both—

- (1) in respect of the road journey, the allowance admissible under Articles 1033 to 1037, limited, unless the conditions of clause (ii) of this Article are fulfilled, to the amount of the daily allowance;

NOTE.—[In determining the allowance admissible under clause (iii) (1) for a road journey other than a journey to and from an officer's head-quarters the distance actually travelled on duty shall be taken into account, without reference to the situation of any public office or other point fixed by a Local Government under Article 998, provided that the road and rail journeys are made on the same day and in continuation of each other.]

- (2) in respect of the journey by railway or steamer, the allowances admissible under Article 999, or Articles 1011 to 1015, or Articles 1016 to 1032, or both, as the case may be.

1066. In the case of officers whose salary does not exceed Rs. 200 a month the Local Government may, by general or special order, and subject to such conditions as it thinks fit to impose, permit any officer or

class of officers to draw allowances admissible under Chapter LII for the whole period of any absence from head-quarters on condition that no daily allowance is drawn for such period, if it considers that their duty is such that the daily allowance is not sufficient to cover travelling expenses.

Officers attached to Railways.

1067. The following officers, whose duties require them to travel constantly by railway, are not entitled to allowances under Articles 1011 to 1015, except in cases of transfer from one line to another, but are granted daily allowances for any day on which they are absent from their station for more than eight consecutive hours in addition to a free pass, or if they are not allowed a free pass, the fares for themselves and for the servants and baggage accompanying them which a free pass would cover :—

All officers and men of Railway Police.

All officers attached to Open Lines of State Railways except the Train Staff or Running Establishment.

Government Examiners of Railway Accounts and their establishments.

Government Inspectors of Railways and their establishments.

Medical subordinates attached to Open Lines of Guaranteed or State Railways.

Other officers to whom the concession may from time to time be extended.

1. Inspectors of maintenance on State Railways are not entitled to draw allowances under this Article, except when they are, under special circumstances, absent from head-quarters for more than four hours between 9 P.M. and 5 A.M., such absence being certified by the head of their department.

NOTE.—[The Railway Board may grant at their discretion travelling allowance under this rule to Permanent-Way Inspectors temporarily transferred from open to unopened (construction) lines.]

2. The proviso in Article 25 applies to allowances drawn under this Article.

3. In cases in which any of the abovementioned officers makes a road or steamer journey in combination with a railway journey, he may, if he travels to a place distant five miles or more from the point where he leaves the railway, draw in addition allowances under Articles 1033 to 1035, or Article 1016 to 1021.

NOTE.—[The time thus spent on the road or steamer journey must be neglected by the officer in calculating the duration of absence from his station for the purpose of claiming daily allowance under this Article.]

4. Sub-Inspectors of Police in Bombay employed exclusively on railways are allowed a permanent travelling allowance in lieu of the daily allowance admissible under this Article.

Postal (Mail) Officers.

1068. Superintendents and Assistant Superintendents, Railway Mail Service, Inspectors General, Railway Mail Service and Sorting, and

Inspectors of Sorting are entitled, for journeys by railway within the limits of the railways to which they are attached, to free conveyance, and to their daily allowance for any day on which they are absent from head-quarters for not less than six consecutive hours. The same rule applies to journeys by postal conveyance performed by the Superintendent of Mails, Kalka-Simla line, within the limits of that line. Inspectors of Sorting are also entitled to draw a single fare of the lowest class for a servant, if actually paid.

Superintendents and Assistant Superintendents who are employed in the Foreign Mail Division, or who are not attached to any railways or lines, or who are on deputation beyond the limits of the railways and lines to which they are attached, are entitled to special daily allowances at Rs. 6 and Rs. 4, respectively, for a day of not less than six consecutive hours.

NOTE.—[In case of transfer, the officers mentioned in this Article are entitled to travelling allowance under Article 1013.]

1. Superintendents and Assistant Superintendents, Railway Mail Service, Inspectors General, Railway Mail Service and Sorting, and Inspectors of Sorting are entitled, for journeys by road, irrespective of the distance travelled, to mileage under Articles 1033 to 1035, but the time spent on such journeys must be excluded in calculating the duration of absence from head-quarters for the purpose of claiming daily allowance under this Article.

1069. Superintendents and Assistant Superintendents, Railway Mail Service, Inspectors General, Railway Mail Service and Sorting, and Inspectors of Sorting may also draw daily allowance, if they are absent from head-quarters for a continuous period of six hours, forming part of one day and part of the next: Provided that if further daily allowance on account of any other journeys is earned under the preceding Article on both the days, it shall be drawn for only one of the two days.

Officers in the Survey of India Department.

1070. (a) The following special rules apply to officers in the Survey of India :—

- (i) A Survey officer may, for a journey in the field, exchange his daily allowance for the allowance admissible under Chapter LII only when he is specially authorized by the Surveyor General or Administrative Superintendents, and when he has to travel by public or hired conveyance or is employed on special duty.
- (ii) Whenever for a journey to or from the field or any other journey in which an officer has to travel with camp equipment, the actual travelling expenses of a Survey officer, including charge by public or hired conveyance, the cost of carriage to and from such conveyance, for himself, his servants and baggage, not exceeding the limit named in the table below, exceed the amount admissible under Chapter LII, he may for such journey, in lieu of the amount so admissible, draw such actual expenses on a bill prepared in

sufficient detail and countersigned by the Surveyor General or Administrative Superintendents :—

	When obliged to travel with camp equipment.	Otherwise.
<i>Servants.</i>	No.	No.
For an officer of the Imperial Service of not lower rank than an officer in charge of a party or for an Extra Deputy Superintendent	6	3
For an Assistant Superintendent ; or for an Extra Assistant Superintendent whose pay is not less than Rs. 500	4	2
For any other officer (including probationers) of the old and new Provincial Services or for a Sub-Assistant Superintendent of the Upper Subordinate Service who draws a pay of Rs. 250	3	1
For any other officer (including probationers) of the Upper Subordinate Service	2	1
For an officer of the Lower Subordinate Service or for a Sub-Assistant Surgeon	1	1
<i>Camp Equipment and Baggage.</i>	Mds.	Mds.
For an officer of the Imperial Service of not lower rank than an officer in charge of a party or for an Extra Deputy Superintendent	35	12
For an Assistant Superintendent ; or for an Extra Assistant Superintendent whose pay is not less than Rs. 300	25	8
For any other officer (including probationers) of the old and new Provincial Services or for a Sub-Assistant Superintendent of the Upper Subordinate Service in a selected post carrying a pay of Rs. 250	15	5
For any other officer (including probationers) of the Upper Subordinate Service	10	3
For an officer of the Lower Subordinate Service (including writers) on Rs. 50 pay and over or for a Sub-Assistant Surgeon on Rs. 50 or over	8	2
For any other officer of the Lower Subordinate Service (including writers) or for a Sub-Assistant Surgeon drawing less than Rs. 50	5	2

NOTE.—[In applying this rule a journey must be treated as a whole. An officer cannot draw actual expenses under this rule for a part of a journey and ordinary rates for the remainder.]

- (iii) When the actual expenses for a whole month for carriage in the field of camp equipment and baggage, limited as in the preceding clause, exceed half the daily allowance admissible for that month, a Survey officer may appropriate half his

daily allowance to pay for camp equipment and extra servants, and in lieu of the other half of the daily allowance may recover such actual expenses by bills prepared and countersigned as in the preceding clause. When coolies are employed, camp equipment and baggage must be limited to half these weights.

Officers in the Madras Survey.

(b) The above rules apply also to officers in the Madras Survey (including those doing duty as Land Records Superintendent), with the two following modifications, namely, the Director of Survey and the Director of Land Records exercise the functions of the Surveyor General or Administrative Superintendents, and the following table is substituted for the table in clause (a) :—

	When obliged to travel with camp equipment.	Otherwise.
<i>Servants.</i>	No.	No.
For an Assistant Director of the 1st, 2nd, 3rd or 4th class, and for an Assistant Director of the 5th class when in charge of a survey party	6	3
For an Assistant Director of the 5th class when not in charge of a survey party	4	2
For a Sub-Assistant	3	1
<i>Camp Equipment and Baggage.</i>	Mds.	Mds.
For an Assistant Director of the 1st, 2nd, 3rd or 4th class and for an Assistant Director of the 5th class when in charge of a survey party	35	12
For an Assistant Director of the 5th class when not in charge of a survey party	25	8
For a Sub-Assistant	15	5
For Head Surveyors, Deputy Surveyors, Writers—		
(a) whose salaries are not less than Rs. 50	8	2
(b) whose salaries are less than Rs. 500	5	

1071. Clause (a) (ii) of Article 1070 applies to officers of the Geological Survey, the bill in their case being countersigned by the Director.

Other Special Cases.

1072. (a) An Inspector of Post Offices may not exchange his daily allowance for mileage on journeys by road. When travelling by rail or sea, or in a river steamer, he draws the single fare of his class and a single fare (when actually paid) of the lowest class for one servant in addition to his daily allowance.

(b) An Income-tax Assessor in the interior of Bengal and in Bihar and Orissa and Assam is not entitled to exchange his daily allowance for mileage.

Inferior Servants.

1073. An inferior servant if entitled to daily allowance under Article 1038, may, for a journey by railway, draw his daily allowance in addition to railway fare. An inferior servant named in Appendix 20 may draw daily allowance in addition to the allowance admissible under Article 1039 for an authorised journey beyond jurisdiction, but not for one within jurisdiction.

NOTE 1.—[The daily allowance admissible under this Article is not to be drawn when actual expenses or daily allowance are drawn under Article 1065 (iii) (1).]

NOTE 2.—[In the Madras Presidency, the Local Government is authorised to sanction, in addition to daily allowance, the grant to inferior servants of all classes of actual expenses for travelling by boat or ferry, during journeys outside jurisdiction, though such journeys do not exceed 20 miles.]

SECTION VI.—CONVEYANCE ALLOWANCES.

1074. When an officer has a large amount of travelling at or within a short distance from head-quarters, for which travelling allowance is inadmissible under this Chapter, a permanent conveyance or horse allowance is granted to him which is drawn throughout the year.

1075. Conveyance allowances are granted to the officers named in Appendix 26.

Additions to this Appendix can be made only with the sanction of the Government of India.* A Local Government may, however, grant a special daily conveyance allowance to an Assistant or Sub-Assistant Surgeon for the periods during which, on account of epidemics, he has an unusual amount of travelling to do.

How affected when on Tour or on Leave.

1076. (a) Save as provided in Article 1077 (b), a permanent conveyance allowance is not forfeited during absence from headquarters, and may be drawn in addition to any other travelling allowance admissible under rule.

(b) It is, however, inadmissible, except in the undermentioned cases, during joining time and leave.

Exception 1.—Provided it is not drawn by any other officer during his absence, conveyance allowance may be drawn during privilege leave by an Archdeacon, a Presidency Senior Chaplain of the Church of Scotland, a Chaplain, a line rider of the Indian Telegraph Department, Inspectors and Sub-Inspectors of the Calcutta Police, a Military Medical Subordinate employed in the Civil Department, and a Zilladar or a Salutri in Baluchistan or Sind.

Exception 2.—A Local Government may, by general or special order, authorise the continuance during joining time and privilege leave to all subordinate police officers,

* The rule in this Article is to be read as superseded or revised by the Resolutions defining the powers of the Government of India and Local Governments in this matter.

or to any class of them, of the conveyance allowance drawn by them while on duty, subject to the condition that no extra expense is thereby caused to the State and to any other condition which it may consider necessary to impose.

Exception 3.—Inspectors and Sub-Inspectors of Excise and Inspectors and Sarkarguns of the Salt Department in the Bombay Presidency, and Inspectors of the combined Salt, Excise and Opium Department in Sind, may draw conveyance allowance during joining time and privilege leave on condition that no extra expense is thereby caused to the State.

Exception 4.—Revenue Inspectors in the Central Provinces and Berar may draw pony allowance during joining time and privilege leave on condition that no extra expense is thereby caused to the State.

Public Works, Railway, Telegraph, Forest and other Departments.

1077. (a) A conveyance allowance not exceeding the amount shown in each case in the following table may be granted to a subordinate named in the first column by the authority specified in the third column if such subordinate has a large amount of travelling at or near headquarters.

(b) This allowance is forfeited whenever daily allowance or road mileage is drawn.

(c) The provisions of clause (1) of Article 1065 (iii) may be applied to such of these officers as draw no daily allowance, the limit of road mileage in these cases being the amount of horse allowance for the day.

Subordinate to whom conveyance or horse allowance may be granted.	Amount of allowance.	Authority empowered to grant allowance.
<i>Public Works Department.</i>	<i>Rs.</i>	
*Upper Subordinate	30	Agent and Engineer-in-Chief, State Railways. Superintending Engineer of Irrigation or Buildings and Roads Branch, Commanding Royal Engineer Military Works Services.
Sanitary Inspectors on the North Western Railway holding large charges	30	
Canal Zilladar; and Canal Darogha employed on Inundation Canals in the Punjab	15	
Gegyi of Irrigation Circle, Burma (on condition that a horse is maintained)	15	
†Lower Subordinate	15	
Assistant Surgeon† or Civil Apothecary	15	Local Government.
Sub-Assistant Surgeon	7½	
Ditto (in exceptional cases)	15	
Apprentice Overseer	15	Principal, Thomason College.
Cashier	15	Local Government.

* Upper Subordinates receive a horse allowance of Rs. 35 a month in (i) localities in Burma where double rates of travelling allowances or higher rates of local allowances are in force, and (ii) places beyond the external boundaries of the districts of Hazara, Peshawar, Kohat, Dera Ismail Khan and Dera Ghazi Khan.

† Lower Subordinates in the Bombay Public Works Department, or Military Works Services stationed in Bombay, may be granted a horse allowance of Rs. 20 a month. A Lower Subordinate, Public Works Department, placed in charge of a regularly

Subordinate to whom conveyance or horse allowance may be granted.	Amount of allowance.	Authority empowered to grant allowance.
<i>Military Works Services.</i>	Rs.	
§Storekeepers	7½	||Director-General of Military Works.
<i>Telegraph Department.</i>		
Upper Subordinates and Inspecting Telegraph Masters and Signallers other than those sent out on casual inspection duty.	30	Director-General of Telegraphs and in the case of the Indo-European Telegraph Department, the Director-in-Chief of that Department.
Sub-Inspectors at Hindubagh, Loralai, Fort Sandeman, Dehra Ismail Khan, Edwardesabad and Merui.	22½	Director-General of Posts and Telegraphs
<i>Forest Department.</i>		
Sub-Assistant Surgeon	7½	Government of Bengal.
<i>Revenue Department.</i>		
Lower Subordinates on the establishment of the Executive Engineer, Tarai and Bhabar Government Estates, United Provinces.	15	Commissioner of Kumaon in the case of lower subordinates on the establishment of the Executive Engineer, not belonging to the Public Works Department and Superintending Engineer in the case of lower subordinates transferred from the Public Works Department.

constituted sub-division in the Bombay Presidency, including Sind, Rajputana and Central India, may, under the special orders of the Superintending Engineer, be allowed to draw horse allowance not exceeding the rate admissible to an Upper Subordinate.

Permanent and temporary Lower Subordinates of the Public Works Department in the North-West Frontier Province or the Punjab, stationed beyond the external boundaries of the Hazara, Peshawar, Kohat, Dera Ismail Khan or Dera Ghazi Khan districts, and Zilladars employed in the Upper Swat River Canal when stationed beyond the external boundaries of the Peshawar District receive a horse allowance of Rs. 22-8 0 a month, with the sanction of the Superintending Engineer in each case. In the Military Works Services the allowance may be sanctioned by the Commanding Royal Engineer, Punjab Frontier District.

Lower Subordinates of the Tochi independent executive charge serving beyond the frontier, sub-overseers located in the Simla and Kulu Hills, and the sub-overseer of the Military Works Services stationed at Kasauli, also draw a horse allowance of Rs. 22-8 a month.

Lower Subordinates in the Lushai Hills and in Burma generally receive a horse allowance of Rs. 22-8 a month; for those in the Chin Hills and in Tibet the rate is Rs. 30 a month.

Lower Subordinates of the Military Works Services serving in the Loralai District and at Dalbandin and Kacha in the Chagai District beyond Nushki draw a horse allowance of Rs. 22-8 a month.

Lower Subordinates in charge of the Military Works Sub-divisions at Lebong and Jalapahar draw a horse allowance of Rs. 30 a month.

‡ The Military Assistant Surgeon at Lucknow, Oudh and Rohilkhand Railway, draws a horse allowance of Rs. 50 a month.

The Railway Assistant Surgeon at Rawalpindi, North Western Railway, and the Assistant Surgeon employed as Medical Officer, Eastern Bengal Railway, Calcutta, draw a horse allowance of Rs. 30 a month.

The senior and the second Military Assistant Surgeon at Lahore (Nowlakha), the Military Assistant Surgeon in charge of the Carriage and Wagon Department employed at Moghalpura and the Military Assistant Surgeon in charge of the Railway hospital at Saharanpur, North Western Railway, draw a horse allowance of Rs. 25 a month.

§ The Storekeeper at Aden draws Rs. 17-8 a month.

|| Now styled Engineer-in-Chief, Army Headquarters.

1078. (a) Agents of State Railways may grant a conveyance or horse allowance to subordinate employes on open lines of railway, in cases where the use of a trolley is, in their opinion, a source of danger or of inconvenience, whether with reference to the physical features of the line or to the passage of public trains.

(b) The allowance, which is not to exceed Rs. 30 a month for an officer who ranks with an Upper Subordinate, and Rs. 15 a month for an officer who ranks with a Lower Subordinate, should be given on the understanding that an employe who draws it is on no account to be allowed the use of a trolley on the length in question, and cannot draw ordinary travelling allowance while in receipt of this allowance.

1. Sub-Inspectors of maintenance of the Bolan Railway, who are prohibited from using trollies, may be given allowances not exceeding Rs. 30 a month under this Article.

1079. Subject to the restriction contained in the Note under entry 26 in Appendix 25, a horse allowance of Rs. 20 a month may be granted by the Local Government to any Income-tax Assessor employed in the mufassal of Bengal, or in Bihar and Orissa, or in Assam.

SECTION VII.—CONVEYANCE HIRE.

1080. *Cancelled.*

1081. The Local Government may grant to any officer summoned temporarily on duty to a Presidency town or to Rangoon such conveyance allowance not exceeding Rs. 3 a day as it thinks fit, provided that an officer may not draw conveyance allowance under this rule if or while he is entitled to a daily travelling allowance.

1082. Conveyance hire is granted in the special cases shown in Appendix 27 at the rates and under the conditions therein indicated. A Provincial Government has full power to grant conveyance hire at such rates and on such conditions as it thinks fit to officers paid wholly or in part from Provincial revenues.

Chapter LIV.—Other Journeys.

SECTION I.—JOINING FIRST APPOINTMENT.

1083. Travelling allowance is not ordinarily granted to any person for the journey to join a first appointment in the public service but in the case of non-gazetted subordinates, whether permanent or temporary, the Local Government may, either by a special order in each individual case, or by a general order in respect of any particular class of officers, allow travelling allowance, the rate admissible being that of the class (Article 1002) to which the appointment the officer proceeds to join belongs. The Local Government may delegate its powers of sanction in individual cases to any subordinate authority.

Exception.—In the following cases travelling allowances are admissible for joining a first appointment :—

- (a) To any person appointed to the Public Works or Railway Department, the Telegraph Department, the Survey of India, the Medical or any other Department, in any capacity requiring technical skill or knowledge for which he has been specially trained.
- (b) Under the special orders of the Director-General, to a person newly appointed to the Postal Department to fill a temporary vacancy or a vacancy in another province in which no suitable person is procurable locally.
- (c) To a Chaplain appointed to the service of Government while resident in India, from the place where he receives the order of appointment.
- (d) Under Article 1094, for themselves and their families, to pupils of the Civil Sub-Assistant Surgeon class in Medical Colleges and non-Burman holders of Burma Civil Sub-Assistant Surgeon Scholarships, appointed to be Sub-Assistant Surgeon, from the place at which the final examination is passed to the place to which they are appointed.
- (e) Not exceeding actual expenses and under the special orders of the Surveyor General of India in each case to computers and copyists of the Computing Party of the Trigonometrical Branch Office at Dehra Dun and computers of Astronomical Parties and to students of the Schools of Art and other Government schools who are appointed as draftsmen in the Survey of India Department.

NOTE.—[A Provincial Government may grant travelling allowance under this Article to any officer appointed by itself who is paid wholly or in part from Provincial revenues.]

Pensioner re-employed.

1084. The authority competent to sanction the re-appointment may grant travelling allowance to a pensioner or an officer thrown out of employment by reduction of establishment or abolition of appointment, for such part of the journey to take up a new office on re-appointment to the public service as falls within India.

Journeys by Sea.

1085. The Local Government may grant a free passage for so much of a journey to join an appointment as is performed by sea to any person who is appointed by it or by the Government of India to an office which he cannot join except by sea.

NOTE.—[A Local Government may delegate its power under this Article to subordinate authorities in respect of officers appointed by them.]

1086. The Government of Bombay, the * Director General of Military Works, and the Superintendent of Port Blair, may grant a free passage for the family of any person engaged in India, for service as a subordinate at Aden and Port Blair, respectively.

Officers appointed in Europe.

1087. The rules regarding (a) passage to India and outfit allowances (in case of appointment in Europe) and (b) return to Europe (on termination of appointment), of certain high officers, which have been framed by the Secretary of State, are given in Appendix 28.

NOTE.—[The rule regarding a Chief Justice or Judge of any of the High Courts is included in Statutory Rule No. 34 in Article 543.]

1088. Officers appointed in Europe to the public service in India are ordinarily allowed by the Secretary of State a free passage to India.

NOTE.—[For the rule regarding the outfit allowance to officers appointed to the Bengal Pilot Service, see Article 692-A.]

1089—1091. *Cancelled.*

Journeys from Port.

1092. An officer who is appointed by the Secretary of State, while resident in Europe, and who is not one of the high officers referred to in Article 1087, is entitled to travelling allowance at the rates laid down in Chapter LII from the capital town of the Presidency to which he is attached to the first station to which he is posted.

1093. (a) If such an officer disembarks in India at any port other than the capital town of the Presidency to which he is attached, he is entitled to travelling allowance from such port to the first station to which he is posted, limited to the amount to which he would have been entitled under the preceding Article if he had disembarked at such capital town.

(b) But if an officer is directed by the Secretary of State to proceed to a particular port, he is entitled to travelling allowance from that port.

NOTE.—[For the purposes of the preceding Articles, an officer attached to any Province other than Bombay or Madras, is held to be attached to the Bengal Presidency.]

SECTION II.—JOURNEYS ON TRANSFER.

1094. An officer in superior service is entitled to travelling allowance at the rates prescribed in Chapter LII for a journey on transfer from one station to another, if he is transferred for the public convenience and not at his own request or in consequence of misconduct, and if he is entitled to pay or salary during the time occupied in such journey. He is also entitled to the following concessions:—

(A) For Journeys by Railway or Steamer.—

(i) *For self.*—One extra fare of the class to which he is entitled under Chapter LII.

* Now styled Engineer-in-Chief, Army Headquarters.

- (ii) *For family*.—One extra fare for each adult member and half fare for each child where this is charged by the Railway or Steamer authorities.
- (iii) *Personal effects*.—Free transport by goods train, steamer, or other craft, up to a maximum of 40, 20 and 12 maunds (if the officer travels alone) and 60, 30 and 15 maunds (if he is accompanied by his family), respectively, for 1st, 2nd and 3rd class officers as defined in Article 1002; and the free carriage of tent in Madras, or wherever tents are not supplied to touring officers by Government but have to be purchased and maintained by them, the number of tents so carried being subject to a scale to be prescribed by the Local Government as suitable to officers of a particular class.

NOTE.—[If an officer carries his personal effects by passenger, instead of by goods, train he may be allowed the actual expenditure incurred by him up to the maximum amount which might have been charged had he taken the full maundage permissible by goods train.]

- (iv) Free transport of conveyances and horses as shown below, provided that—

- (1) the distance travelled exceeds 80 miles, and
- (2) the officer holds an appointment in which the possession of a conveyance or horses is advantageous from the point of view of his efficiency—
 - (a) First class officers.—A carriage or motor car or motor cycle (with or without side car), and two horses.
 - (b) Second class officers.—A carriage or motor cycle (with or without side car), and one horse.
 - (c) Third class officers.—One horse, or a motor cycle (with or without side car), or an ordinary cycle.

1. In the case of a motor car, the cost of conveyance of a chauffeur or cleaner may also be allowed, whether separately charged for or not; similarly for each horse the cost of conveyance of one syce and one grass-cutter may be allowed.

2. The conveyances or horses charged for must actually be carried by rail, steamer or other craft, and only the rates charged for carrying the same at owner's risk will be allowed.

3. Local Governments will prescribe the class of officers for which the full scale of conveyances provided in sub-clause (iv) should be allowed.

4. For purposes of this Article the term "family" (*vide* Article 25) shall not be held to include parents, sisters, or minor brothers.

5. For journeys by Government steamer, free transport is allowed of the officer himself, his family, servants, and their *bond fide* personal effects, also of conveyances and horses up to the limit prescribed in sub-clause (iv). An officer is also entitled to draw the daily allowance ordinarily admissible to him.

(B) For Journeys by Road.—

- (i) *For self*.—One extra mileage at the rate of which he is entitled under Chapter LII.

- (ii) *For family*.—A single extra mileage if two members of the family are conveyed; two extra mileage if more than two members of the family are conveyed.
- (iii) Free transport of goods up to the maundage limits given in (A) (iii) above according to a rate to be laid down by the Local Government. This rate will prescribe the average cost per mile of conveying a maund of goods by the cheapest method of conveyance.
- (C) The term “personal effects” is not subject to definition, but controlling officers should satisfy themselves of the reasonableness of the claim for reimbursement. Where tents are supplied by Government, they will not be included in personal effects for the purpose of clause (A) (iii); in other cases they may be conveyed as personal effects.
- (D) If any member of the officer's family does not travel with him, his or her journey may be charged for within the above limits, provided that he or she follows the officer within two months (if a gazetted officer) and six months (if a non-gazetted officer) of the date of his transfer or precedes him by a period not exceeding one month.
- (E) For the purpose of drawing the allowances on account of a family shown as (A) (ii) and (B) (ii) or the higher maundage allowance under (A) (iii) or (B) (iii), a certificate must be furnished by the officer of the number and relationship of the members of his family [as defined in Rule 4 to clause (A) above] for whom the allowance is claimed. All allowances claimed under (A) (iii), (A) (iv) and (B) (iii) must also be supported by a certificate that the actual expense incurred was not less than the sum claimed, and the claim under (A) (iv) must give details of the conveyances or horses transported.
- (F) The above allowances do not apply to officers in inferior service who are on transfer entitled to travelling allowances under ordinary rules.

NOTE.—[Inferior servants should not be transferred save in exceptional cases in which there may be special reasons for a transfer.]

Exceptions.—1. Police officers below the rank of Assistant Superintendent transferred from one station to another in the same district are not entitled to travelling allowance except for journeys by rail or steamer in which case they are also entitled according to their class to the further concessions described in clause (A) (iii) and (iv) above. For journeys by road they may be allowed the actual cost of conveyance of their necessary baggage. In Burma and Assam such officers when so transferred are, however, allowed their actual expenses for journeys by boat on production of a certificate from the District Superintendent that this is the ordinary mode of travelling for persons of their class and that the amount charged is reasonable.

2. In the United Provinces, Tahsildars and Revenue and Judicial ministerial officers in superior service, transferred from one tahsil to another, or to or from the district head-quarters (sadar) station from or to a tahsil in the same district, are allowed actual expenses not exceeding the allowances admissible under Chapter LII.

NOTE.—[Officers of the Forest Department, whether belonging to the superior or to the subordinate staff, deputed to attend the annual course of instruction at the

Forest School at Dehra Dun or the Burma Vernacular Forest School, members of the subordinate police force in the United Provinces selected for training at the Police Training School, and Hospital apprentices and medical pupils attending under orders a medical school or college, are considered to be transferred for the public convenience from one station to another, but may not be granted, except in the case of Burman students deputed to the Forest school at Pyinmana, travelling allowance for their families.]

1095. The officers mentioned in Article 1067 draw allowances under that Article for journeys on transfers between stations within the limits of the line to which they are attached. They are not, however, entitled to daily allowance for halts made in the course of the journey, unless such halts are made in connection with their duty.

1096. The rules in Articles 1070 (a) (ii) and 1070 (b) for Survey officers apply also to journeys on transfer.

NOTE.—[Survey officers may, at their option, exchange the allowances admissible under this Article for those admissible under Article 1094.]

Transfer of Subordinates.

1097. (a) An officer of the classes specified below is, in case of transfer, entitled to free passage or refund of passage-money for journeys by sea or in a river steamer for each member of his family actually travelling with him, at the rates admissible for himself or at half those rates, according as, by the rules of the vessel full or half passage-money is payable for such member :—

- (i) Departmental Officers and Warrant Officers ;
- (ii) Non-Commissioned Military Officers ;
- (iii) European Soldiers ; and
- (iv) Officers of the second or third class whose pay is less than Rs. 200.

(b) If, however, any member of the family of such an officer is prevented by good and sufficient cause from travelling with him, the officer who orders the transfer may sanction the grant of passage-money for such member : Provided such member follows the officer within six months of the date of his transfer or precedes him by a period not exceeding one month.

1098. Cancelled.

1098A. Jail warders and head warders who are not in superior service when transferred from one jail to another, inferior servants permanently employed in the survey and settlement parties in the Madras Presidency when transferred from one district to another, peons (Rs. 10-12) of the combined Excise and Salt Department, Bengal, Patwaris in the Central Provinces when transferred on promotion to or reversion from the post of Revenue Inspectors from one district to another, and police constables when transferred from one district to another, are entitled to travelling allowance as follows, if they travel with their families :—

- | | |
|---------------------------|---|
| (1) By railway or steamer | Double fare of the lowest class. |
| (2) By road or boat | Two annas a mile by road and one anna a mile by boat. |

Transfer not on Public Grounds, and for Misconduct.

1099. (a) When an officer is transferred otherwise than for the public convenience, a copy of the order of transfer shall be sent to the Audit Officer of the circle of audit in which he is serving, with an endorsement stating the reason of the transfer. In the absence of such an endorsement the Audit Officer shall assume that the officer has been transferred for the public convenience.

(b) In the case of non-gazetted officers a certificate from the head of the office may be accepted in lieu of the copy of the order prescribed by clause (a).

1100. The authority competent to order the transfer may, if it thinks fit, by special order, permit an officer transferred for misconduct to draw travelling allowance.

Transfers from the Army.

1101. A military officer joining an appointment in the Civil Department may draw travelling allowance subject to the conditions laid down in this Section.

1102. A Non-Commissioned officer of the Native Army, who elects at request for service in the Forest Department, under the rules in force in that department, is entitled to travelling allowance to join his appointment for the journey from his station to the head-quarters of the Forest division to which he is posted, even though the conditions laid down in this Section are not fulfilled.

Appointment changed in Transit.

1103. An officer whose appointment is changed while he is in transit from one appointment to another, is entitled to travelling allowance from his old station to the place (on the route to the station to which he was proceeding) at which he receives his further orders, and thence to his new station.

When leave intervenes.

1104. An officer is entitled to travelling allowance under this Section from his old station to his new station even though privilege or examination leave intervenes.

1105. *Cancelled.*

1106. An officer who, while in transit, obtains furlough on medical certificate, is entitled to travelling allowance calculated for the journey from the old station to the furthest place to which he has proceeded on the route to his new station.

1107. When on return from long leave an officer is posted to a station other than that at which he was posted when he proceeded on leave, the controlling officer may allow him to recover the allowances provided under clauses (A) (iii) and (iv) and (B) (iii) of Article 1094 for the carriage of personal effects and conveyances from the station from which he proceeded on leave to the station to which he is posted.

1108 and 1109. *Cancelled.*

SECTION III.—JOURNEYS TO HILL STATIONS.

1110. Special rules—not incorporated in these Regulations—are prescribed for officers and establishments moving with the head-quarters of a Government to and from a hill sanitarium.

1111. *Cancelled.*

1112. When an officer is permitted for his own convenience to conduct his duties at a hill station, neither he, nor any of the establishment which accompanies him, is entitled to travelling allowance for the journey to or from such station.

1113. *Cancelled.*

Other officers.

1114. Officers other than those mentioned in the Hill Allowance Rules (*see Article 1110*), who requires to go to a hill station on duty, are under the ordinary rules, entitled to travelling allowances for the journey there and back and to daily allowances for the period of halt there on duty. But Local Governments and heads of departments have power to refuse, and should refuse, travelling allowance to an officer who visits a hill station on duty if he prolongs his visit beyond the period required for the performance of the duty.

NOTE.—[In applying the ordinary rules to halts at hill stations under this Article, general exemptions from the rule laid down in Article 1056 made by Local Governments under that Article shall be held to be inapplicable. Provincial Governments may sanction specific exemptions under this Article without limit of time, and other Local Governments, including authorities exercising the powers of Local Governments, may sanction specific exemptions up to 30 days.]

1115. An Audit Officer should retrench the travelling allowance, for a journey to and from a hill station, of an officer who remains at the hill station for more than ten days, unless the head of the department or, where the officer is himself the head of a department, the Local Government officially intimates that the presence of the officer was required on duty throughout the period, or that he was permitted to extend his stay during authorised holidays immediately following his period of duty, the duration of which should be stated.

SECTION IV.—JOURNEY TO ATTEND EXAMINATIONS.

1116. An officer is entitled to travelling allowance twice, but not more than twice, for each standard, for journeys to and fro, consequent on attendance at—

- (1) an obligatory departmental examination,
- (2) in the case of Military officers in civil employ, an examination for promotion in military rank,
- (3) an examination held under any rules in force for a reward for passing in the vernacular language of any frontier or hill tribe,

- (4) in the case of officers in Burma, an elementary examination in Chinese, or
- (5) in the case of Civil Assistant Surgeons or Sub-Assistant Surgeons, an examination for promotion to a higher grade.

NOTE.—[The Local Government may extend the provisions of this Article to any departmental examination, even though it be not obligatory.]

1117. If a candidate appears to have culpably neglected the duty of preparing himself for an obligatory departmental examination during the period available for the purpose, the head of a department may disallow the travelling allowance to which he would otherwise have been entitled under Article 1116.

1118. The Local Government may disallow travelling allowance to a candidate who fails to obtain a reward for passing in the language of a frontier or hill tribe, if such candidate does not attain to such reasonable standard as the Local Government prescribes.

1119. A civil officer or a military officer in civil employ who obtains a reward for proficiency in an Oriental language, or who for the first time obtains a Degree of Honour in any language in the Second Division, is entitled to travelling allowance to and from the place of examination.

1120. *Cancelled.*

SECTION V.—JOURNEYS OCCASIONED BY LEAVE OR RETIREMENT.

1121. Save as provided in this Section, ¹[or in Article 348-III], or by special order of the Government of India or in the case of officers paid wholly or in part from Provincial revenues of a Provincial Government, an officer is not entitled to travelling allowance for a journey on proceeding on, on rejoining from, or during, leave of any kind, or on retirement or dismissal from the public service.

NOTE.—[Exemption should be given only in exceptional cases. Half-yearly statements of exemptions granted by Provincial Governments must be submitted to the Government of India.]

1121A. (i) Except as provided in clauses (ii) and (iii), the grant of a free passage to or from England, in cases not provided for under the ordinary rules, requires the sanction of the Secretary of State.

(ii) The Government of India may grant passages, including, if necessary, travelling expenses by rail to the port of embarkation, in urgent cases where in their opinion it is very desirable that an officer, or the dependents of an officer, should leave India, and where the pecuniary circumstances of the individuals concerned are such that they are unable to leave without such assistance.

¹[] This amendment takes effect from the 31st December 1929.

(iii) The Government of India may also sanction, where they think the circumstances specially warrant it, a return passage for any officer entitled to a return passage on the termination of his agreement, whose services are retained in the public interest beyond the original period of his engagement; the Government of India may also sanction an extension of an original concession in regard to free passages home for an officer's family.

NOTE.—[In the case of officers paid wholly or in part from Provincial revenues, a Provincial Government may exercise the powers which are conferred on the Government of India by clauses (ii) and (iii) of this Article.]

Leave on Medical Certificate.

1122. A military officer in civil employ is entitled to the same privilege when proceeding to England on furlough on medical certificate, not combined with privilege leave, or returning therefrom, as if he were in military employ; but this Article does not entitle a military officer in civil employ, when proceeding on or returning from leave, to use the certificate in (Military) Form E giving the right to travel in the next higher class of carriage to that for which he purchases a ticket. This can only be used by officers in military employ.

1123. Cancelled.

1124. The provisions of the Military Transport Regulations applicable to Departmental Officers and Warrant Officers proceeding on or returning from leave on medical certificate, not combined with privilege leave, apply also to such officers in civil employ.

1125. A Civil Sub-Assistant Surgeon from another province serving in Burma is entitled to a free passage for himself and his family to his home, when proceeding on furlough on medical certificate.

1126. Non-Commissioned officers and men of the Military Police companies at Dacca, Bhagalpur, Ranchi, and Hooghly, taking furlough, leave on private affairs or leave on medical certificate, are entitled to free passage by river and rail to and from their homes.

Recall from leave.

1127. An officer recalled to duty before the expiry of leave is entitled, if the return to duty is compulsory (*see Article 199*) and if the leave is curtailed by one month or more, to travelling allowance for the journey from the place at which the order of recall reaches him, or, if such place be out of India, to free passage to India and travelling allowance from the port of debarkation to the station to which he is recalled. If the amount of the leave curtailed is less than one month, the foregoing privileges may be given or withheld at the discretion of the authority recalling the officer, or of the Secretary of State, according as the leave is in or out of India.

1. The officer in charge of a Survey Party may grant at his discretion travelling allowance to Native Surveyors and Subordinates who are recalled to duty from departmental leave before the expiry of that leave.

2. An officer, who on recall from leave is ordered to proceed to a station other than that from which he went on leave, may draw travelling allowance under Article 1094 for his family, if the conditions of that Article are satisfied, from the place at which the order of recall reaches him to his new station: Provided that the amount so drawn must not exceed the travelling allowance admissible under Article 1094 for taking his family from his original to his new station.

Survey Subordinates.

1128. The Surveyor-General may grant such rail and steamer fares as he considers necessary, to and from the place of recruitment, to khalasis and other menials when proceeding on or returning from leave of any kind, including departmental leave, or on enlistment or discharge. He may also grant such travelling expenses as he considers necessary to surveyors and other subordinates when proceeding on or rejoining from leave to their homes if the latter are situated in provinces other than those in which they are employed.

NOTE.—[Similar authority in regard to their respective subordinates may be exercised by (i) the Director of Land Records, Bengal, in the three Eastern Districts of Bengal, (ii) the Director of Land Records and Agriculture, Assam, (iii) the Director of Surveys, Bengal and Assam, in Assam and the three Eastern Districts of Bengal, (iv) the Administrative Superintendents of the Survey of India; and also in regard to the traverse Survey party, Central Provinces, by the Commissioner of Settlements. In Bengal the Director of Surveys may grant to menials, and also to traverse surveyors whose homes are situated in provinces other than Bengal travelling expenses to and from the place of recruitment, when returning on the expiry of departmental leave, or on enlistment or discharge.]

Retirement.

1129. The Superintendent of Port Blair and the Nicobars may grant to any subordinate employed there a free passage to India for himself and his family, on dismissal or retirement. He may also grant a free passage to India to the family of any subordinate who may die while employed there.

1130. The Government of Bombay may grant to any subordinate employed at Aden a free passage to India for himself and his family, on dismissal or retirement.

1131. Members of the Police Force in the United Provinces whose homes lie west of the Sutlej may, on discharge or retirement from the service if their pay was less than Rs. 20, be provided with a railway ticket to enable them to reach their homes, and may also be allowed subsistence allowances of two annas a day for a period not exceeding ten days: Provided that no policemen shall be entitled to these allowances if he has been discharged for disgraceful conduct or by sentence of a Criminal Court for an offence other than a breach of discipline.

1131A. Honorary Commissioned officers and Warrant officers in civil employ enjoy the same rights as similar officers in military employ in regard to free passage on retirement after service entitling them to a pension or gratuity, *vide* paragraph 61 (d) and (e), Army Regulations, India, Volume X.

Termination of Temporary Employment.

1132. A person employed for a temporary purpose, who has received travelling allowance for joining his appointment, may, on the termination of his employment, be allowed travelling allowance to the place at which he was engaged, provided the claim is preferred within three months of the termination of the temporary service, and the officer under whom the person was employed is satisfied that he intends to make the journey.

SECTION VI.—OTHER OCCASIONS.

To give Evidence.

1133. An officer summoned to give evidence of facts which have come to his knowledge, or of matters with which he has had to deal, in his public capacity, either—

- (i) in a criminal case (including a case before a court-martial),
or
- (ii) in a civil case to which Government is a party, or
- (iii) in a departmental enquiry held by a properly constituted authority,

may draw travelling allowance under the rules for journeys on tour, attaching to his bill a certificate of attendance given by the court or authority, and, subject to the exceptions in Notes 1 and 2,, he is not entitled to receive any payment of his expenses from the court or authority. Any fees or expenses which may be deposited for the travelling and subsistence allowance of the witness in a civil or criminal court must be credited to Government.

NOTE 1.—[This Article does not apply to an officer whose salary does not exceed Rs. 10 per mensem. Such an officer may receive his expenses from the court.]

NOTE 2.—[When a Government servant is summoned to give evidence at a court situate not more than 5 miles from his headquarters and is therefore not entitled to any travelling allowance under the ordinary rules, the court may, if it considers it necessary, pay him the actual travelling expenses incurred.]

NOTE 3.—[An officer on leave summoned to give evidence of the kind contemplated in this Article is entitled to travelling allowance under this Article from and to the place from which he is summoned as if he were on duty.]

NOTE 4.—[An officer summoned to give evidence before a Court of Law in an Indian State or in Foreign territory, of facts which have come to his knowledge in the discharge of his public duties, may, for the journeys to and from the place where the Foreign or Indian State Court by which he is summoned holds its sittings, be granted the travelling allowance of his class under the Civil Service Regulations; any allowances which he may receive from the Court must be credited to Government.]

1134. (a) An officer summoned to give evidence under other circumstances is not entitled, by reason of his being an officer of Government, to any allowances, other than those admissible by the rules of the Court.

(b) But if the Court pays him any sum by way of subsistence allowance or compensation, apart from any allowance for travelling expenses, he must repay that amount to Government before drawing full pay for the day or days of absence.

1135. As an exception to Articles 1133 and 1134, Patwaris and Jemadars and Chaukidars of the rural police in the United Provinces and Patwaris in the Central Provinces, summoned as witnesses in Criminal Courts, receive their expenses at the same rates as persons of their rank in life who are not Government servants.

To obtain Medical advice or to accompany a sick officer.

1136. An officer compelled to leave his station, whether permanent or temporary, where there is no Medical officer, to procure medical advice, is, on production of a certificate from the Medical officer consulted that the journey was, in his opinion, absolutely necessary, entitled to travelling allowance for the journey to and from the nearest station where a Medical officer is located.

NOTE.—[This Article is applicable to cases where an officer is compelled to leave his headquarters to obtain the certificates referred to in Articles 828 and 833. But no travelling allowance is admissible for journeys undertaken with a view to obtaining the certificate referred to in Articles 829 and 831 or the countersignature referred to in Articles 833 and 834.]

1137. The permission of superior authority should be obtained beforehand where it is possible to obtain such permission without risk to the officer requiring advice. Controlling officers must take care that undue advantage is not taken of this privilege. If the absence of the invalid officer from his station be prolonged, he should be required to take leave on medical certificate.

1137A. If a Government servant, under the advice of the Civil Surgeon or other Government Medical Officer whose official duty it is to attend a sick officer professionally, is required to undertake a journey to a Presidency town or elsewhere, either when proceeding on leave on medical certificate or to procure further medical advice, and the Civil Surgeon (or other Medical officer as above) considers that it would not be safe for him to make the journey without attendance on the way, the Medical officer may either himself accompany the patient to his destination, or depute or arrange with some other Government officer to do so. In such cases the attendant shall be deemed to have been travelling on duty and may draw travelling allowance at the usual rates for the journey both ways.

1137B. A probationary chaplain, who is obliged to undertake a journey in order to procure from a Medical Board the health certificate required under Article 576, is entitled to travelling allowance for the journey.

1138. An officer applying for an invalid pension, who is required to leave his station to appear before a Medical Board, may, if the pension is applied for under the direction of the applicant's official superior

on the ground of his incapacity for work and in the interest of the public service, be granted for the journey his actual expenses not exceeding the amount he would receive if travelling allowance were admissible. If it is necessary for the officer to return to his station after appearing before the Medical Board, he may be granted travelling expenses subject to the same limit. The bill should be supported by a certificate that the applicant was directed in the interest of the public service to apply for an invalid pension, and that he did not voluntarily ask to retire.

The same concession may be granted, with the sanction of a Head of a Department or Commissioner of a Division, in cases in which application is made voluntarily, provided such authority is satisfied that the circumstances of the applicant are such as to justify it.

Officers under training.

1138A. A Local Government may at discretion decide, in the case of an officer (including a student not already in Government service) who is selected to undergo a course of training, whether any, and if so what, travelling allowance should be allowed for journeys to and from the training headquarters either on joining or leaving such headquarters at the beginning or termination of the period of training, or in cases where the training is received at a school, college or other similar institution, on the occasion of holidays and vacations: also what travelling and halting allowances should be allowed for journeys during the course of training.

NOTE 1.—[The Local Government may delegate its powers under this Article to Heads of Departments.]

NOTE 2.—[A Local Government may issue general orders under this Article in regard to any specified class of officers under training.]

NOTE 3.—[Halting allowance may be allowed at the training headquarters for such periods and at such rates, not exceeding those admissible for ordinary journeys on tour, as the Local Government think fit (a) to gazetted officers, when the training is for short periods not exceeding one month, (b) to non-gazetted officers in cases in which no allowances in excess of their salary have been allowed under Article 68-A.]

To attend Durbars.

1138B. (1) Travelling and halting allowances at rates within the undermentioned scale may be granted, at the discretion of the Local Government, to a Commissioned Indian Military Officer of the Regular Forces, the Military Police or the Militia, whether on the active or the retired list, when invited to attend a Durbar or a Levée at a place other than that at which he is stationed or has his residence:—

- (a) For journeys from his station or place of residence to the station at which the Durbar or the Levée is held, and back—single railway and steamer fares actually incurred each way, and actual expenses of road journeys limited to the maximum amount admissible therefor to an officer of the first class.

**1138B-1141] SPECIAL RATES FOR SPECIAL LOCALITIES & SPECIAL RULES
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(b) For halts at the station at which the Durbar or the Levée is held—Rs. 2 a day.

(2) A Civil officer in active service who is permitted to attend a Durbar or a Levée away from his headquarters is entitled to draw travelling and halting allowances as on a journey on tour.

Chapter LV—Special Rates for Special Localities.

1139. A Local Government may prescribe that the ordinary rates of daily allowance, or mileage, or both, shall be increased either in a definite ratio or in any other suitable manner for any or all persons travelling in any specified district or locality in which travelling is specially expensive, provided that—

- (i) no daily allowance shall be increased so as to exceed Rs. 10 ;
- (ii) no mileage shall be increased so as to exceed one rupee ;
- (iii) the allowances admissible under Articles 1011 to 1015 and under Articles 1067 to 1069 and 1072 (a) for journeys by railway shall not be increased ;
- (iv) the Local Government may, if it thinks fit, except any officer or class of officers from a general rate of increase, and direct that either the ordinary rates, or a lower rate of increase, be granted to such officer or class of officers.

NOTE.—[Local Governments exercising territorial jurisdiction may prescribe special rates under this Article for journeys in special localities within their jurisdiction. Officers subordinate to an authority which, though not exercising territorial jurisdiction in the area concerned, possesses the powers of a Local Government under Appendix I, Civil Service Regulations, may be granted special rates by such authority when travelling in any such locality, provided that such special rates shall not exceed those prescribed for its own officers by the Local Government within whose territories the special locality lies.]

1140. In certain localities special rates of daily or mileage allowances, or both have been prescribed either generally or for particular classes of officers. A list of these special rates in the various provinces is given in the Local Manual of the Audit Officer concerned.

Chapter LVI.—Special Rules for High Officers.

NOTE.—[The rules in this Chapter relate to journeys on duty. Rules on the subject of journeys by railway otherwise than on duty are contained in Appendix 30.]

Viceroy, Governors, and Lieutenant-Governors.

1141. The Viceroy and Governor-General controls his own travelling expenses and those of his household, including the members of his personal Staff, with the exception of his Private and Military Secretaries.

1142. Governors, Lieutenant-Governors and the Chief Commissioners, Central Provinces and Assam, control their own travelling expenses and those of their household, with the exception of the officers of their personal staff. The Military Secretary and Aides-de-Camp to the Governor of Bombay receive their actual travelling expenses while on tour with His Excellency the Governor.

1143. The travelling expenses of the Governors of Madras and Bombay and of their household are paid out of the contract allowance for household charges.

1144. A Local Government (other than the Governments of Madras and Bombay) should report to the Government of India in the Finance Department any representations made with regard to its travelling expenses by the Accountant-General and any measures taken in consequence of such representations.

Indian Members of the Council of India.

1144A. A gentleman who is habitually resident in India at the time of receiving notice of his intended appointment to the Council of India, shall receive £500 as allowance for equipment and £100 for the voyage to England to be paid on appointment, and £100 to be paid on termination of office for the return voyage to India.

Members of Viceroy's Council.

1145. An Ordinary member of the Viceroy's Council, when travelling on duty by railway, is entitled to a reserved first class carriage for himself, and to third class accommodation for not more than ten personal servants.

When travelling on duty by road or steamer he is entitled to charge to Government his personal *bona fide* travelling expenses, appending to his bill a certificate as follows :—

"I certify that I have actually paid the amount of this bill, and that it does not include any charge for the freight of any stores or goods, other than my personal luggage, or any charge for refreshments, hotels or staging bungalows."

NOTE 1.—[Stores taken for consumption on tour are treated as personal luggage.]

NOTE 2.—[Further rules are contained in Note 2 to Article 1000 and Appendix 30.]

1146. *Cancelled.*

Members of a Governor's Executive Council.

1147. Members of the Executive Councils of Governors and Lieutenant-Governors, when travelling by railway, are entitled to a reserved first class carriage, to railway fares actually paid for not more than ten personal servants at lowest class rates, and to the conveyance of all their personal luggage at the public expense, whether taken in the luggage

van of the train to which the reserved carriage is attached or sent by any other train.

When travelling by road or steamer they are entitled to charge to Government their personal *bona fide* travelling expenses, appending to their bills a certificate as follows :—

“I certify that I have actually paid the amount of this bill, and that it does not include any charge for the freight of any stores or goods, other than my personal luggage, or any charge for refreshments, hotels, or staging bungalows.”

NOTE 1.—[Stores taken for consumption on tour are treated as personal luggage.]

NOTE 2.—[Further rules are contained in Note 2 to Article 1000.]

Members of the Imperial and Provincial Legislative Councils.

1148. Additional Members of the Imperial Legislative Council and all Additional Members or Members of the Provincial Legislative Councils, who are required to leave their official headquarters or usual places of residence for the purpose of attending meetings of any such Councils or transacting business connected with their duties as Members of any such Councils, are entitled to travelling allowances in accordance with the following scale :—

- (1) The travelling allowances admissible to an officer of the first class to and from the place at which the Council meets or the business is to be transacted, and
- (2) a daily allowance for each day of residence at the place where the Council is to meet or the business is to be transacted until the close of the session or the completion of the business, at the rate,—
 - (a) in the case of Additional Members of the Imperial Legislative Council, of Rs. 20 a day, and
 - (b) in the case of Additional Members or Members of the Provincial Legislative Councils, of Rs. 10 a day :

Provided that—

- (i) an Additional Member of the Imperial Legislative Council travelling to and from the place at which the Council meets or the business is to be transacted, by railway in a first class compartment or by steamer in a cabin reserved by him for his personal use, will, for such part of the journey as may be so made, be entitled, in lieu of the allowances admissible under clause (1), to a refund of the cost of reserving such a compartment or cabin ;

(ii) any person who is at the same time a Member of the Imperial and of a Provincial Council, and who leaves the place of meeting of the Imperial Council to attend the Provincial Council will be entitled to travelling allowances, as in clause (1) and proviso (i), for journeys between the places of meeting of the Imperial and Provincial Councils, and if the place of meeting of the Provincial Councils is not the official headquarters or usual place of residence of the Member, to a daily allowance at Rs. 20 a day during the period of such attendance;

(iii) an Official Member, who is in receipt of a fixed monthly travelling allowance, will not be entitled to any allowances under this Article unless he leaves the limits of his jurisdiction to attend the Council or to transact business connected with his duties as a Member of the Council, in which cases he will be entitled to the same travelling and daily allowance as other Members, subject, however, to the condition that such sum as may represent the amount of his fixed monthly allowance calculated at a proportionate daily rate shall be deducted from his travelling and daily allowances.

Bishops of Calcutta, Madras and Bombay.

1149. The travelling allowance of the Bishops of Calcutta, Madras and Bombay when on tour of visitation is regulated by Rule 6 of Article 568.

1150—1157.—*Cancelled.* (See Appendix 30).

Fares payable by Officers travelling in a reserved carriage.

1158. The officers mentioned in Articles 1145, 1147, and in Parts II and III of Appendix 30 should pay the usual fares for any person besides themselves travelling in the reserved accommodation provided for them. It is open to the officers to obtain the accommodation they are entitled to by requisition or by purchase of the necessary number of tickets for cash according to their convenience.

NOTE.—[When the reserved accommodation is obtained by the purchase of a prescribed number of tickets from the Railway, no further payment should be made to the Railway in compliance with this Article for other persons travelling with the officer. The sum due from the officer on this account will be deducted in his travelling allowance bill from the amount which would otherwise be payable to him as travelling allowance. The following certificate signed by the officer should be appended to his travelling allowance bill:—

Certified that _____ persons besides myself for whom ^{full}/_{half} fares were payable by me travelled with me.

When the reserved accommodation is obtained by requisition in the form prescribed in Appendix 30 the officer will purchase tickets for persons travelling with him and get the Station Master to sign in the requisition form a certificate to the effect that fares for such persons have been paid.]

Chapter LVII.—Rules of Procedure.

Countersignature.

1159. A bill for travelling allowance (other than a permanent allowance) of an officer, other than the head of a department, on tour should not be paid unless countersigned by the Controlling officer. The Local Government may declare who shall be the Controlling officer for all or any of the officers of any particular department.

1160. In the following cases bills for travelling allowance may be paid without countersignature :—

(a) Chaplain, provided the bill is accompanied by the order, authorising the Chaplain to make the journey, of (a) the Bishop or Commissary of the Diocese in the case of a Chaplain of the Church of England, and (b) the Presidency Senior Chaplain of the Church of Scotland in the case of a Chaplain of the Church of Scotland.

(b) Deputy Auditor General, the Examiner of Government Press Accounts and the Auditor of Custom House Accounts in India, provided that duplicate bills are at the same time forwarded to the Auditor General for countersignature and transmission to the *Comptroller, India Treasuries.

(c) Non-gazetted officers—provided that detailed countersigned bills are subsequently submitted to the Audit Officer for adjustment.

Duties of Controlling and Audit Officers and of Officers who draw Travelling Allowance Bills.

1161. (a) It is the duty of the Controlling officer (or of the Drawing officer when a bill does not require countersignature) to scrutinise the necessity, frequency, and duration of journeys or halts for which travelling allowance (whether permanent or other) is claimed. He may disallow the whole or a portion of the travelling allowance claimable for any journey or halt, if he considers that the journey was unnecessary, or that it was not completed with due expedition, or that the halt was of excessive duration. He should also carefully scrutinise the distances entered in travelling allowance bills and should check any tendency to abuse the option of exchanging a daily rate for mileage under Article 1065. The Audit Officer will assume that the distance, entered in travelling allowance bills whether countersigned or not are correct.

(b) The Local Government may lay down any subsidiary rules that it thinks fit for the guidance of a Controlling officer of any department.

*Now styled Accountant General, Central Revenues.

1162. A Controlling officer (other than the Head of a Local Government or Administration, including the Commissioner in Sind) may not delegate the duty of countersignature to a subordinate.

1163. Countersignature does not dispense with the necessity for formal audit with reference to rates and general conditions. An Audit Officer will accept countersignature by the proper authority, or the signature of the Drawing officer when a bill does not require countersignature, as final evidence that the facts of the journey on which the claim is founded are correct and that the claim is admissible with reference to Article 1161 (a) and to any departmental rules. It is the duty of the Controlling or the Drawing officer as the case may be, and not of the Audit Officer, to enforce departmental rules.

ANNEXURE.

[See Note 1 to Article 320 and the connected foot-note.]

Chapter XIV of the Regulations, as it stood prior to 29th July 1920.

Long Leave—Indian Services.

SECTION I.—EXTENT OF APPLICATION.

334. The rules in this Chapter apply to all officers who are not entitled to leave under the other Chapters of these Regulations. They apply *fully* only to those officers whose pay is *not less* than Rs. 100 a month, and who have substantive appointments on permanent establishment under the Government.

335. (a) Leave may, however, be granted under this Chapter to an officer (whether he be a superior or an inferior servant) whose pay is less than Rs. 100, so far as it can be done without imposing any cost upon the State. The absentee allowance of the substantive incumbent must not exceed what remains from his pay after provision is made for the efficient discharge of his duties during his absence, except when, in the resultant acting arrangements, an officer who has no substantive appointment is given more than half the pay of the appointment in which he acts, in which case the excess over half pay granted to him may, at the discretion of the Local Government, be disregarded altogether in calculating the sum available for the leave allowance of the absentee and the acting allowances paid in consequence of his absence.

NOTE.—[See Note under Article 147 (iii) which applies also to the calculation referred to in this clause.]

1. The Local Government may delegate its power under this clause to Heads of Offices and Departments.

(b) No leave in excess of the leave admissible under these rules may be granted to such an officer, with allowances, or counting as service for pension.

1. An officer holding an appointment on a Progressive pay, rising to a maximum of Rs. 100, who is in the receipt of the maximum pay, is not to be treated as an officer whose pay is less than Rs. 100.

2. If it becomes necessary to bring an officer from a distance to act for an officer on leave whose pay is less than Rs. 100, the travelling allowances and transit pay admissible to the substitute may be borne by the State; but such a transfer should never be made if it can be avoided.

3. The minimum allowance during long leave of a Naib Tahsildar in the United Provinces or Baluchistan, is Rs. 30 a month.

SECTION II.—LONG LEAVE.

Leave on Medical Certificate.

336. Leave on Medical Certificate may be granted for three years in all, but not for more than two years at one time; and no officer can have Leave on Medical Certificate out of India more than twice.

ANNEXURE.

1. An officer who has a temporary or officiating appointment only may be allowed leave under this Article for not more than three months at one time, if no substitute is required, or if his duties can be provided for without additional expense.

Leave on Private Affairs.

337. Leave on Private Affairs for six months may be granted to an officer who has not had Furlough, after six years' service, and repeated after intervals of six years.

1. Leave on Private Affairs does not accumulate, and cannot be taken in instalments.
2. Leave on Medical Certificate counts as service for Leave on Private Affairs.

Furlough.

338. Furlough may be granted as follows :—

- (a) After ten years' service—one year or any less period; and thereafter at intervals of not less than eight years, one year or such other period as together with all periods already spent on Furlough may not exceed two years; or,
- (b) After eighteen years' service—two years or any less period; and thereafter, at intervals of not less than eight years, any such period as together with all periods already spent on Furlough may not exceed two years :

Provided that—

- (i) The service for Furlough of an officer who has had Leave on Private Affairs counts only from the date of his last return from such leave;
- (ii) The aggregate amount of Furlough, or of Furlough and Leave on Private Affairs taken together, shall not exceed two years;
- (iii) An interval of not less than eighteen months has elapsed between last return from Privilege leave of over six weeks' duration, whether taken by itself or combined with Leave on Medical Certificate, and the Furlough, or Privilege leave, if any, with which the Furlough is combined.

1. Leave on Medical Certificate counts as service for Furlough.

NOTE.—[The restriction in clause (b) (iii) of this Article may be relaxed by the Government of India and Provincial Governments in cases in which its enforcement would, in their opinion, cause special hardship to the officer concerned individually or be of material disadvantage to the State.]

Leave without Allowances.

339. Extraordinary leave without allowances may, in case of necessity, and when no other leave is by rule admissible, be granted for such time as may be necessary. Time spent on leave under this Article does not count as service for other leave. Subject to the provisions of Article 198, there is no limit to the length or frequency of leave under this Article. It may not be granted in combination with the grant of other leave except as provided in Article 233. But it may be granted in continuation of other leave if circumstances arise which prevent the return by the officer to duty, and which, in the opinion of the Local Government or the authority empowered to grant the leave, are such as to justify the concession. No officer is entitled to Extraordinary leave.

1. In cases in which the duration of the Extraordinary leave to be granted does not exceed two months, the Local Government or the authority empowered to grant the leave may dispense with the condition in this Article that the leave can be granted only when no other kind of leave is by rule admissible.

2. An officer who has a temporary or officiating appointment only may be allowed leave under this Article for not more than three months at one time.

NOTE.—[The Note and Explanation under Article 332 apply to this Article also. The Government of India or the Local Government may, however, sanction a substitute for an absentee who is prohibited from attending his duties on account of some infectious disease in his family and whose duties cannot be arranged for without prejudice to his pay; provided that the absence does not exceed 30 days and the pay or salary of the absentee is not more than Rs. 100 a month.]

ANNEXURE.

Leave Allowances.

340. (a) An officer on Leave on Medical Certificate under Article 336 is entitled to half his average salary for the first fifteen months of each period of such leave, but not for more than thirty months in all. For the rest of his leave under Article 336 he is entitled to a quarter of his average salary.

(b) An officer on Furlough or on Leave on Private Affairs is entitled to half his average salary.

(c) But whenever an officer whose appointment is not gazetted takes leave for *not more* than one month, or whenever such an officers' salary is less than Rs. 300, his pay (not salary) when he gives up office is to be taken in lieu of average salary.

NOTE.—[For the purpose of this clause, duty and deputation (duty) allowances are deemed to be included in pay and salary.]

*341. (a) Half average salary is subject to the following maxima :—

(i) if paid in India, Rs. 666½ a month;

(ii) if paid at the Home treasury, £600 a year.

(b) Quarter average salary is subject to a maximum of Rs. 533½ a month if paid in India, and £480 a year if paid at the Home treasury.

(c) For non-gazetted officers whose salary is not less than Rs. 300, the minimum of half average salary is Rs. 150, and of quarter average salary Rs. 75 a month.

NOTE 1.—[Absentee allowances in respect of leave spent out of India, if paid in India, are subject to the rupee limits prescribed in this Article. In cases, however, in which such allowances are paid at sterling rates, under the special orders of the Government of India, with reference to Article 862, they will be subject to the sterling limits prescribed herein.]

NOTE 2.—[For the purposes of this Article, Ceylon and the Straits Settlements are not held to be 'out of India'.]

*342. The half average salary and quarter average salary of an officer subject to the rules in this Chapter if on leave out of India (except in Ceylon or the Straits Settlements) are subject to the following minima :—

(a) if the leave is Leave on Medical Certificate under Article 336, or

(b) if the leave, although not Leave on Medical Certificate under Article 336, has been granted on account of ill-health.

*Half average salary.**Minima.*

If paid in England £200 a year, or ⅓ths of the salary last drawn on duty, whichever is less.

If paid in India Rs. 222½ a month, or ⅓ths of the salary last drawn on duty, whichever is less.

Quarter average salary.

If paid in England £100 a year, or 37½ per cent. of the salary last drawn on duty whichever is less.

If paid in India Rs. 111½ a month, or 37½ per cent. of the salary last drawn on duty, whichever is less.

NOTE.—[The benefit of this Article is admissible only in cases in which a Medical Certificate in the form prescribed in Chapter XLIV recommends leave out of India, or in which leave (except Extraordinary Leave without allowances) spent out of India, whether so recommended or not, is extended on Medical Certificate or commuted into Leave on Medical Certificate.]

* Articles 341 and 342 should be read as modified by the relevant portions of the orders contained in Government of India, Finance Department, Resolution No. 679-C. S. R., dated the 7th May 1920, and of the subsequent orders issued in Government of India, Finance Department, Resolution No. 2188-C. S. R., dated the 10th

343. All the rules in Article 340 are subject to the proviso that the allowances of an officer during leave shall in no case exceed his actual salary when he takes leave.

344. An officer does not forfeit the allowances to which he is entitled under Articles 340 to 343 by resigning the Service at the end of the leave.

Leave after fifty-five years of age.

345. An Officer in Superior service who is subject to the rules of this Chapter is eligible, after he attains the age of fifty-five years, for Privilege leave, for any Leave on Private Affairs (Article 337) to which he may be otherwise entitled, for Subsidiary Leave preparatory to retirement, and also for leave without allowances under Article 339, provided that the total leave granted, whether on private affairs or without allowances, does not exceed six months in all, and for no other kind of leave. Any leave, other than Privilege leave or Leave on Private Affairs or Subsidiary Leave preparatory to retirement, granted to such an officer before the date on which he attains the age of fifty-five years, ceases to have effect on this date.

NOTE.—[Except in the case of an officer who, after the age of 54 years, has been refused leave owing to the exigencies of the public service, the grant of leave under this Article is subject to the condition that the officer returns to duty at the end of the leave. In applying for leave the officer must record a declaration that he has no intention of retiring for three months after his return to duty.]

SECTION III.—SUBSIDIARY LEAVE.

346. An officer going on, or returning from, Leave out of India on Medical Certificate, Leave on Private Affairs, or Furlough, is entitled to Subsidiary leave, under the rules in Articles 321 and 323 to 331, and the grant of such leave carries with it the grant of Subsidiary leave, including, as in the cases referred to in Article 321 (a), clause (ii), Subsidiary leave on return to duty.

NOTE.—[When Privilege leave is combined with other leave under Article 233, Subsidiary leave is not admissible to an officer going on leave.]

347. Subsidiary leave on half pay for not more than fourteen days may be granted to an officer leaving India by sea on retirement, provided that the grant causes no additional expense to the State.

348. (a) An officer on Subsidiary leave prefixed to other leave is entitled to half average salary. But he may draw allowances as if he were on Privilege leave, for any part of this leave for which, if he were not going on leave out of India, Privilege leave would be admissible.

NOTE.—[See Note under Article 331.]

(b) An officer on Subsidiary leave following other leave is entitled to half or quarter average salary, according to the rate of allowance to which he is entitled at the end of the leave to which it is subsidiary.

REFERENCE TABLES

REFERENCE TABLES.

NOTE.—Except in the case of the articles mentioned in the first two statements below, the numbers of the articles in this reprint are the same as in the 5th Edition (3rd Reprint).

ABBREVIATIONS USED IN THESE TABLES.

N., *Not in the 5th Edition (3rd Reprint)*. Ex., *Exception*. r., *rule or rules*. n., *note or notes*. O., *omitted*.

Table I.—*Showing the variations in the rules of the 5th Edition (4th Reprint) as compared with the 5th Edition (3rd Reprint) of the Civil Service Regulations.*

REFERENCE TO		REFERENCE TO		REFERENCE TO		REFERENCE TO	
5th Edn. 4th Re-print.	5th Edn. 3rd Re-print.	5th Edn. 4th Re-print.	5th Edn. 3rd Re-print.	5th Edn. 4th Re-print.	5th Edn. 3rd Re-print.	5th Edn. 4th Re-print.	5th Edn. 3rd Re-print.
4 A	N.	309 Note	309 Note 2	475 A (7) & (8)	475 A (4) & (5)	543 rule 44	N.
		316 (a) Note	N.				
		316 (b) Note	N.	475 A (5) Proviso	475 A, Note	549 (b) Proviso	N.
85, 85 A, 85 B and 85 C	85 and 85 A	348 I to 348 III	N.	487, rule 2 A	N.	564 A	N.
		351-A	N.			564 B & C	564 A & B
200 (a)	200 (i)	357-A, 357 B	N.	510 B	528 & 528 A	599 B	N.
200 (b) & (c)	200 (ii)	404 A, Notes 1 & 2	N.	514 (a)	517	643 Note 2	643 Note 3
200, Proviso	N.	426	437 & 439	543, rules 3 A & 4 A	N.	728 (b)	726, Note
						740 A	N.
204, Notes 1 & 2	N.	474 A (i) (b) Note	N.	543, rule 4 B	543, rule 4 A	741 B	740, Note
208 A	202	475 A (3) and (4)	N.	543, rule 10 (e).	N.	829-A	N.
260 A	N.			543, 2nd Proviso to rule 24	N.	862 (1) & (3)	N.
288 B	N.	475 A (5)	475 A (3)			934	692
305	N.	475 A (6)	N.	543, rule 25 AA	N.	939, Note 1	939, Note
						939, Note 2	N.
						952 (c)	N.

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Table II.—Showing the variations in the rules of the 5th Edition (3rd Reprint) as compared with the 5th Edition (4th Reprint) of the Civil Service Regulations.

REFERENCE TO		REFERENCE TO		REFERENCE TO		REFERENCE TO	
5th Edn. 3rd Re-print.	5th Edn. 4th Re-print.	5th Edn. 3rd Re-print.	5th Edn. 4th Re-print.	5th Edn. 3rd Re-print.	5th Edn. 4th Re-print.	5th Edn. 3rd Re-print.	5th Edn. 4th Re-print.
47	O.	353, Note	O.	475 A, Note	475 A (5) Proviso	647	O.
72-74	O.	403-404	O.	528 and 528 A	510 B	670	O.
85 and 85 A	85, 85 A, 85 B and 85 C	427	O.	517	514 A	678-691	O.
		437 & 439	426	527	O.	692	934
200 (i)	200 (a)	453	O.	543, rule 4 A	543, rule 4 B	692 A	O.
200 (ii)	200 (b) & (c)	475, Note 3	O.	564 A	564 B	740, Note	741 B
292	208 A			564 B	564 C		
309, Note 1	O.	475 A (3)	475 A (5).	566	O.	771	O.
				643, Note 2.	O.	917	O.
309, Note 2	309, Note	475 A (4) and (5)	475 A (7) and (8).	643, Note 3	643, Note 2	939, Note	939, Note 1

Table III.—Comparing the new with the old Foreign Service rules.

REFERENCE TO		REFERENCE TO		REFERENCE TO		REFERENCE TO		
New rule.	Old rule.	New rule.	Old rule.	New rule.	Old rule.	New rule.	Old rule.	
749 A	N.	756 n.	N.	763 r. 3	N.	770 n. 1	757 (b) n. 1	
748 B	N.	757	788	764	753 (iv)		768 n. 2	
750, first & second	750, first & second	758	774 (a) & (b)	764-IV (a), n.	N.		779 (a) n. 1	
751	753 (v)	759 & n.	782 A & n.	765 (a)	755 (a)	770 n. 2	754 (a) n. 1	
752	754 (b) (i) & n.	760	782 B	765 (b)	757 (a)		768 n. 2.	
	754 (b) (ii) & n.	761 (a) & (b)	757 A		N.			
	787 second part & n.	761 (c) & n. 1 & 2	N.		766	755 (a)	770 n. 3	757 (b) n. 2
752 n.	N.	762 (i)	753 (i)	767	779 (a)	770 n. 4	755 (a) (i) n. 4	
		762 (ii)	755 (c), second part		754 (a)		755 (a) (ii)	
					3			
753	755 (b)	762 n.	753 A n.	767 Ex.	754 (a) Ex.	770 n. 5	768 (c)	
754	778	763	753 (ii) (a)	767 n.	754 (a) n. 2	770 n. 6	N.	
755 (a)	784		753 (iii)			771	785	
	786 } first part		761 (b), first part					
755 (b)	N.	763 n.	N.	768	754 (b) (i) & (ii)	771 n. 1	785 Ex.	
756	753 (iv) (d)			769	755 (a) (ii)	771 n. 2	785 n. 1	
	766	763 r. 1	761 (a) n.	770	775 (a) (i) & (ii)	771 n. 3	785 n. 2	
	763 r. 2	753 (ii) (a) n.	772 (a)			762		
			772 (b) (i)			758 (a) & n.		
	774 (c)					772 (b) (ii)	763 (a)	

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Table III.—Comparing the new with the old Foreign Service rules—contd.

REFERENCE TO		REFERENCE TO		REFERENCE TO		REFERENCE TO	
New rule.	Old rule.	New rule.	Old rule.	New rule.	Old rule.	New rule.	Old rule.
772 (b) (iii)	763 (e) & n.	774 (b) (i)	772 (a)	777	782, second part	781	757 (b) { 791
772 (b) (iv)	763 (g)	774 (b) (2)	772 (b)	778	782, first part & n.	782	792
772 (b) (v)	N.	775	770		779 (a)	783	795
773	753A	775 (b)	777	779	780	783 n. 1	N.
	771	775 (c) {	770 n.				
	773		772 (b) n.	780 (a)	789	783 n. 2	795 n. 2 (b)
		776 {	775				
774 (a)	772 (c)		776	780 (b) & (c)	790 & n.	783 n. 3 & 4	N.

REFERENCE TABLES

Table IV.—Comparing the old with the new Foreign Service rules.

REFERENCE TO		REFERENCE TO		REFERENCE TO		REFERENCE TO	
Old rule.	New rule.	Old rule.	New rule.	Old rule.	New rule.	Old rule.	New rule.
750 first & second	750 first & second	754 (a) n. 1	770 n. 2	757 (a)	765 (a) 770	763 (a)	772 (b) (ii)
50 third	O.	754 (a) n. 2	767 n.	757 (b)	781	763 (b), (c), (d) (f) & (h)	O.
751	O.	754 (b)	768 & 752	757 (b) n. 1 & 2	770 n. 1 & 3	763 (e) & n.	772 (b) (iii)
752	Cancelled.	755 (a) (i) {	770	757 (b) n. 3	O.	763 (g)	772 (b) (iv)
753 (i)	762 (i)		767	757 A	761 (a) & (b)	764	O.
753 (ii) (a)	763	755 (a) (i) n. 1 & 2	O.	758 (a) & n.	772 (b) (i)	765, first part	750 second
753 (ii) (a) n.	763 r. 2	755 (a) (i) n. 3	767	758 (b)	O.	765, second part	
753 (ii) (b)	O.	755 (a) (i) n. 4	770 n. 4	759	O.		
753 (iii)	763	755 (a) (ii) {	770	760	O.	766	756
753 (iv)	764		768	761 (a)	O.	767	O.
753 (iv) (d)	756	755 (a) (ii) n.	O.	761 (a) n.	763 n. 1.	768	769 770
753 (v)	751	755 (b)	753	761 (b), first part 761 (b), second part & r. 1.	763 (iv)	768 n. 1 & 3	O.
753 A	772, first part	755 (c) first part & note	O.		O.	768 n. 2	770 n. 1 & 2
753 A n.	762 n.						
754 (a)	767	755 (c), second part	762 (ii)	761 (b) n.	763 r. 2	769	O.
754 (a) Ex.	767 Ex.	756	O.	762	772 (a)	770	775

REFERENCE TABLES

Table IV.—Comparing the old with the new Foreign Service rules—contd.

REFERENCE TO		REFERENCE TO		REFERENCE TO		REFERENCE TO	
Old rule.	New rule.	Old rule.	New rule.	Old rule.	New rule.	Old rule.	New rule.
770 n.	775 (c)	776	776	782 A	759	787, second part & n. 788 789	752 757 } 780
771	773	777	775 (b)	782 B	760	790	
772 (a) & (b)	774 (b) (1) & (2)	—	753				
772 (b) n.	775 (c)	779 (a)	766 779	783 784	O. 754	790 Ex.	O.
772 (c)	774 (a)	779 (a) n. 1	770 n. 1	785	771	791	781
772 (c) n.	O.	779 (a) n. 2 & (b)	O.	785 Ex.	771 n. 1	792	782
773	773	780	769 last part 779	785 n. 1	771 n. 2	793	O.
774 (a) & (b)	758	781	O.	785 n. 2	785 n. 3	794	O.
774 (b) n.	O.	782, second part	777	786 787, first part	755 (a)	795	783
774 (c)	756	782, first part & n.	778			795 n. 1 & 2 (a)	O.
775	776			786, second part	O.	795 n. 2 (b)	783 n. 2

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This Index has been compiled solely for the purpose of assisting references. No expression used in it should be considered in any way as interpreting the rules.

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